

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
MARY BRIENZA (FORMERLY KNOWN AS MARY  
USBECK); CHRISTOPHER BRIGHTWELL  
(FORMERLY KNOWN AS CHRISTOPHER  
AURELIA); NICHOLAS AURELIA; ANTHONY  
AURELIA; KATHLEEN DOUGHERTY  
(FORMERLY KNOWN AS KATHLEEN MAYO);  
TRUDY LITTLE; ELIZABETH UNDERWOOD  
(FORMERLY KNOWN AS ELIZABETH ROSADO);  
JOHN LUCIANO; WILLIAM LUCIANO; AND  
MELISSA FURNARI (FORMERLY KNOWN AS  
MILDRED O'BRIEN),

Plaintiffs,

-against-

ARCHDIOCESE OF NEW YORK, CATHOLIC  
CHARITIES OF STATEN ISLAND, CATHOLIC  
CHARITIES OF THE ARCHDIOCESE OF NEW  
YORK, MOUNT LORETTO CATHOLIC MISSION,  
THE MISSION OF THE IMMACULATE VIRGIN  
FOR THE PROTECTION OF HOMELESS AND  
DESTITUTE CHILDREN, SISTERS OF ST.  
FRANCIS OF THE IMMACULATE VIRGIN,  
SISTERS OF ST. FRANCIS OF THE NEUMANN  
COMMUNITIES, AND XAVERIAN BROTHERS,

Defendants.  
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**To the above named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys, within twenty days after the service of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

**SUMMONS**

**Index No.:** /19

**Date Purchased:** /19

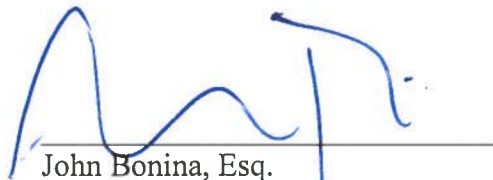
Plaintiff's designates New York  
County as the place of trial.

The basis of venue is:  
Principal Place of Business of  
defendant Archdiocese Of New  
York

**County of New York**

The principal place of business of  
defendant Archdiocese of New  
York is 1011 First Avenue, New  
York, NY 10022

Dated: Brooklyn, New York  
October 24, 2019

A handwritten signature in blue ink, appearing to read 'John Bonina', is written over a horizontal line.

John Bonina, Esq.  
BONINA & BONINA, P.C.  
Attorneys for Plaintiffs  
16 Court Street, Suite 1800  
Brooklyn, New York 11241  
Phone No.: (718) 522-1786

TO:

Archdiocese of New York  
1011 First Avenue  
New York, NY 10022

Catholic Charities of the Archdiocese of New York  
1011 1st Avenue  
New York, NY 10022

Catholic Charities of Staten Island  
6581 Hylan Blvd.  
Staten Island, NY 10309

Mount Loretto Catholic Mission  
6581 Hylan Blvd.  
Staten Island, NY 10309

The Mission of the Immaculate Virgin  
for the Protection of Homeless and Destitute Children  
6581 Hylan Blvd.  
Staten Island, NY 10309

Sisters of St. Francis of the Immaculate Virgin  
960 James Street  
Syracuse, NY 13203

Sisters of St. Francis of the Neumann Communities  
960 James Street  
Syracuse, NY 13203

Xaverian Brothers  
4409 Frederick Ave.  
Baltimore, MD 21229

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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MARY BRIENZA (FORMERLY KNOWN AS MARY  
USBECK); CHRISTOPHER BRIGHTWELL  
(FORMERLY KNOWN AS CHRISTOPHER AURELIA);  
NICHOLAS AURELIA; ANTHONY AURELIA;  
KATHLEEN DOUGHERTY (FORMERLY KNOWN AS  
KATHLEEN MAYO); TRUDY LITTLE; ELIZABETH  
UNDERWOOD (FORMERLY KNOWN AS  
ELIZABETH ROSADO); JOHN LUCIANO; AND  
WILLIAM LUCIANO; AND MELISSA FURNARI  
(FORMERLY KNOWN AS MILDRED O'BRIEN),

**VERIFIED COMPLAINT**

**Index No.: /2019**

Plaintiffs,

-against-

ARCHDIOCESE OF NEW YORK, CATHOLIC  
CHARITIES OF STATEN ISLAND, CATHOLIC  
CHARITIES OF THE ARCHDIOCESE OF NEW YORK,  
MOUNT LORETTO CATHOLIC MISSION, THE  
MISSION OF THE IMMACULATE VIRGIN FOR THE  
PROTECTION OF HOMELESS AND DESTITUTE  
CHILDREN, SISTERS OF ST. FRANCIS OF THE  
IMMACULATE VIRGIN, SISTERS OF ST. FRANCIS  
OF THE NEUMANN COMMUNITIES, AND  
XAVERIAN BROTHERS

Defendants.

-----X  
Plaintiffs, by and through their attorneys, BONINA & BONINA, P.C., complaining of  
the defendants herein, as and for their Verified Complaint in the above entitled action,  
respectfully show to this Court, and allege upon information and belief, as follows:

**NATURE OF THE ACTION**

1. This is a case brought by MARY BRIENZA (FORMERLY KNOWN AS MARY  
USBECK); CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER  
AURELIA); NICHOLAS AURELIA; ANTHONY AURELIA; KATHLEEN DOUGHERTY  
(FORMERLY KNOWN AS KATHLEEN MAYO); TRUDY LITTLE; ELIZABETH

UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO); JOHN LUCIANO; WILLIAM LUCIANO; AND MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN); each of whom were residents of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN during their childhood.

2. As children, and particularly as children who had been sent to and whose care and safety had been entrusted to the defendants, plaintiffs were amongst the most vulnerable members of our society. The defendants violated that trust by sexually, emotionally and physically abusing these children and others whose care and safety had been entrusted to them, and by permitting such abuse to occur on their watch. Defendants caused, allowed, permitted, and in fact created a culture of abuse at Mount Loretto. Further, defendants exploited the vulnerable children who had been entrusted to them by sexually, emotionally and physically abusing and violating them.

3. The plaintiffs, as children who were subjected to repeated abuse at Mount Loretto, had nowhere to go and no one to talk to about the abuse, as those with power and authority at Mount Loretto were often the very same people who were abusing them. If they complained, they were punished and the abuse was simply ratcheted up, in an effort to silence them.

4. With the passage of the Child Victims Act, those who have endured such abuse need no longer be silent. The Child Victims Act revives previously barred claims (see CPLR 214-g), creating a one year window within which to file such claims beginning August 14, 2019. As such, each of these causes of action is timely.

**THE PARTIES**

5. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK was and still is a religious corporation duly organized under and existing by virtue of the laws of the State of New York.

6. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK was and still is a religious organization operating within the State of New York.

7. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK was and still is a religious organization doing business within the State of New York.

8. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK owned the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

9. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK operated the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

10. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK maintained the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

11. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK supervised the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

12. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK controlled the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

13. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK, held itself and/or themselves out as owning, operating, maintaining, supervising and/or controlling the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

14. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK, owned, operated, maintained, supervised and/or controlled a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

15. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK owned Catholic Charities of Staten Island, in Staten Island, New York.

16. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK operated Catholic Charities of Staten Island, in Staten Island, New York.

17. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK, maintained Catholic Charities of Staten Island, in Staten Island, New York.

18. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK supervised Catholic Charities of Staten Island, in Staten Island, New York.

19. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK controlled Catholic Charities of Staten Island, in Staten Island, New York.

20. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK, held itself and/or themselves out as owning, operating, maintaining, supervising and/or controlling Catholic Charities of Staten Island, in Staten Island, New York.

21. Upon information and belief, at all times mentioned herein, defendant Catholic Charities of Staten Island is, was and has been an agency of Defendant ARCHDIOCESE OF NEW YORK.

22. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK owned CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

23. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK operated CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

24. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK, maintained CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

25. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK supervised CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

26. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK controlled CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

27. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE OF NEW YORK, held itself and/or themselves out as owning, operating, maintaining, supervising and/or controlling CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

28. Upon information and belief, at all times mentioned herein, defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK is, was and has been an agency of Defendants ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, and the ARCHDIOCESE OF NEW YORK.

29. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND was and still is a religious corporation duly organized under and existing by virtue of the laws of the State of New York.



30. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND was and still is a religious organization operating within the State of New York.

31. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND was and is a religious organization doing business within the State of New York.

32. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND owned the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

33. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND operated the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

34. Upon information and belief, at all times mentioned herein defendant CATHOLIC CHARITIES OF STATEN ISLAND, maintained the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

35. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND supervised the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

36. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND controlled the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

37. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND, held itself out as owning, operating, maintaining, supervising and/or controlling the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

38. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF STATEN ISLAND, owned, operated, maintained, supervised and/or controlled a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

39. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK, was and still is a religious corporation duly organized under and existing by virtue of the laws of the State of New York.

40. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK was and still is a religious organization operating within the State of New York.

41. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK was and still is a religious organization doing business within the State of New York.

42. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK owned the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

43. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK operated the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

44. Upon information and belief, at all times mentioned herein Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK, maintained the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

45. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK supervised the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

46. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK controlled the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

47. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK, held itself out as owning, operating, maintaining, supervising and/or controlling the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

48. Upon information and belief, at all times mentioned herein, Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK, owned, operated, maintained, supervised and/or controlled a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, in Staten Island, New York.

49. Upon information and belief, at all times mentioned herein, Defendant MOUNT LORETTO CATHOLIC MISSION, was and still is a religious corporation duly organized under and existing by virtue of the laws of the State of New York.

50. Upon information and belief, at all times mentioned herein, Defendant MOUNT LORETTO CATHOLIC MISSION was and still is a religious organization operating within the State of New York.

51. Upon information and belief, at all times mentioned herein, Defendant MOUNT LORETTO CATHOLIC MISSION was and still is a religious organization doing business within the State of New York.

52. Upon information and belief, at all times mentioned herein, Defendant MOUNT LORETTO CATHOLIC MISSION was an agency and/or branch of Defendant CATHOLIC CHARITIES OF STATEN ISLAND.

53. Upon information and belief, at all times mentioned herein, Defendant MOUNT LORETTO CATHOLIC MISSION was an agency and/or branch of Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

54. Upon information and belief, at all times mentioned herein, Defendant MOUNT LORETTO CATHOLIC MISSION was an agency and/or branch of Defendant ARCHDIOCESE OF NEW YORK.

55. Upon information and belief, at all times mentioned herein, Defendant MOUNT LORETTO CATHOLIC MISSION, owned, operated, maintained, supervised and/or controlled a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, at 6581 Hylan Blvd., Staten Island, NY 10309.

56. Upon information and belief, at all times mentioned herein, Defendant THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, was and still is a religious corporation duly organized under and existing by virtue of the laws of the State of New York.

57. Upon information and belief, at all times mentioned herein, Defendant THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND

DESTITUTE CHILDREN was and still is a religious organization operating within the State of New York.

58. Upon information and belief, at all times mentioned herein, Defendant THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN was and still is a religious organization doing business within the State of New York.

59. Upon information and belief, at all times mentioned herein, Defendant THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN was an agency and/or branch of Defendant CATHOLIC CHARITIES OF STATEN ISLAND.

60. Upon information and belief, at all times mentioned herein, Defendant THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN was an agency and/or branch of Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

61. Upon information and belief, at all times mentioned herein, Defendant THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN was an agency and/or branch of Defendant ARCHDIOCESE OF NEW YORK.

62. Upon information and belief, at all times mentioned herein, Defendant THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, owned, operated, maintained, supervised and/or controlled a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or

THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, at 6581 Hylan Blvd., Staten Island, NY 10309.

63. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, was and still is a religious corporation duly organized under and existing by virtue of the laws of the State of New York.

64. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN was and still is a religious organization operating within the State of New York.

65. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN was and still is a religious organization doing business within the State of New York.

66. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, was an agency and/or branch of Defendant CATHOLIC CHARITIES OF STATEN ISLAND.

67. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, was an agency and/or branch of Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

68. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, was an agency and/or branch of Defendant ARCHDIOCESE OF NEW YORK.

69. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN was a religious order of nuns.

70. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN was a religious order of nuns, authorized to operate by defendant ARCHDIOCESE OF NEW YORK.

71. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN was a religious order of nuns, authorized to operate by defendants CATHOLIC CHARITIES OF STATEN ISLAND and/or CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

72. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN was a congregation of nuns.

73. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN was a congregation of nuns, authorized to operate by defendant ARCHDIOCESE OF NEW YORK.

74. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN was a congregation of nuns, authorized to operate by defendants CATHOLIC CHARITIES OF STATEN ISLAND and/or CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

75. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, owned, operated, maintained, supervised and/or controlled a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, at 6581 Hylan Blvd., Staten Island, NY 10309.



76. Upon information and belief, at all times mentioned herein, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, provided staffing for a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, at 6581 Hylan Blvd., Staten Island, NY 10309

77. In or about 2004, Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN formed a new congregation, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES.

78. Defendant SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES is the successor in interest to Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, and as such is responsible for the acts, omissions, failures, conduct and/or liabilities of Defendant SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, including but not limited to the acts, omissions, failures and conduct and/or liabilities complained of herein.

79. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS, was and still is a religious corporation duly organized under and existing by virtue of the laws of the State of New York.

80. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS was and still is a religious organization operating within the State of New York.

81. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS was and still is a religious organization doing business within the State of New York.

82. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS was an agency and/or branch of Defendant CATHOLIC CHARITIES OF STATEN ISLAND.

83. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS, was an agency and/or branch of Defendant CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

84. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS, was an agency and/or branch of Defendant ARCHDIOCESE OF NEW YORK.

85. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS was a religious order of priests.

86. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS, was a religious order of priests, authorized to operate by defendant ARCHDIOCESE OF NEW YORK.

87. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS, was a religious order of priests, authorized to operate by defendants CATHOLIC CHARITIES OF STATEN ISLAND and/or CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

88. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS was a religious congregation of priests.

89. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS was a religious congregation of priests, authorized to operate by defendant ARCHDIOCESE OF NEW YORK.

90. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS was a religious congregation of priests, authorized to operate by defendants CATHOLIC CHARITIES OF STATEN ISLAND and/or CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK.

91. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS, owned, operated, maintained, supervised and/or controlled a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, at 6581 Hylan Blvd., Staten Island, NY 10309.

92. Upon information and belief, at all times mentioned herein, Defendant XAVERIAN BROTHERS, provided staffing including but not limited to staffing of Priests and Brothers for a home and/or orphanage for children, located at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, at 6581 Hylan Blvd., Staten Island, NY 10309.

93. Plaintiff MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK) is a resident of the City of Dunedin, County of Pinellas, State of Florida.

94. From approximately 1951 to 1956 MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

95. At the time she resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS

AND DESTITUTE CHILDREN, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK) was between the ages of twelve and sixteen years old.

96. At the time she was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, MARY BRIENZA was known as MARY USBECK.

97. From approximately 1951 to 1956 MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK) was in the custody of defendants and/or each of them.

98. From approximately 1951 to 1956 MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK) was under the supervision of defendants and/or each of them.

99. From approximately 1951 to 1956 defendants and/or their agents, servants, associates, employees and/or staff, stood in the place of MARY BRIENZA'S parents (in loco parentis), and as such were responsible for her care, well-being, and safety amongst other things, and were responsible for protecting her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

100. From approximately 1951 to 1956 defendants, and/or their agents, servants, associates, employees and/or staff, had a duty to supervise MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

101. From approximately 1951 to 1956 defendants, and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

102. Plaintiff CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) is a resident of the Village of Tijeras, County of Bernalillo, State of New Mexico.

103. From approximately 1973 to 1980 CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

104. At the time he was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, CHRISTOPHER BRIGHTWELL was known as CHRISTOPHER AURELIA.

105. At the time he was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, CHRISTOPHER BRIGHTWELL was between the ages of six and twelve years old.

106. From approximately 1973 to 1980 CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) was in the custody of defendants and/or each of them.

107. From approximately 1973 to 1980, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), was under the supervision of defendants and/or each of them.

108. From approximately 1973 to 1980 defendants and/or their agents, servants, associates, employees and/or staff, stood in the place of CHRISTOPHER BRIGHTWELL'S

parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and were responsible for protecting him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

109. From approximately 1973 to 1980 defendants, and/or their agents, servants, associates, employees and/or staff, had a duty to supervise CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

110. From approximately 1973 to 1980 defendants, and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

111. Plaintiff NICHOLAS AURELIA is a resident of the County of Richmond, City and State of New York.

112. From approximately 1973 through 1978, NICHOLAS AURELIA resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

113. From approximately 1973 through 1980 NICHOLAS AURELIA was in the custody of defendants and/or each of them.

114. At the time he was a resident of and/or in the custody of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, NICHOLAS AURELIA was between the ages of three and ten years old.

115. From approximately 1973 through 1980 NICHOLAS AURELIA was under the supervision of defendants and/or each of them.

116. From approximately 1973 through 1980 defendants and/or their agents, servants, associates, employees and/or staff stood in the place of NICHOLAS AURELIA's parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and were responsible for protecting him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

117. From approximately 1973 through 1980 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to supervise NICHOLAS AURELIA and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

118. From approximately 1973 through 1980 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of NICHOLAS AURELIA, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

119. Plaintiff ANTHONY AURELIA is a resident of the City of Clermont, Lake County, State of Florida.

120. From approximately 1973 through 1978, ANTHONY AURELIA resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

121. At the time he was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF

HOMELESS AND DESTITUTE CHILDREN, ANTHONY AURELIA was between the ages of seven and eleven years old.

122. From approximately 1973 through 1978 ANTHONY AURELIA was in the custody of defendants and/or each of them.

123. From approximately 1973 through 1978 ANTHONY AURELIA was under the supervision of defendants and/or each of them.

124. From approximately 1973 through 1978 defendants and/or their agents, servants, associates, employees and/or staff stood in the place of ANTHONY AURELIA's parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and were responsible for protecting him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

125. From approximately 1973 through 1978 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to supervise ANTHONY AURELIA and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

126. From approximately 1973 through 1978 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of ANTHONY AURELIA, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

127. Plaintiff KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) is a resident of the Township of Millstone, County of Monmouth, State of New Jersey.

128. From approximately 1957 to 1961 KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) resided at the MOUNT LORETTO CATHOLIC MISSION



and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

129. At the time she was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, KATHLEEN DOUGHERTY was between the ages of ten and fourteen years old.

130. At the time she was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, KATHLEEN DOUGHERTY was known as KATHLEEN MAYO.

131. From approximately 1957 to 1961 KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) was in the custody of defendants and/or each of them.

132. From approximately 1957 to 1961 KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) was under the supervision of defendants and/or each of them.

133. From approximately 1957 to 1961 defendants and/or their agents, servants, associates, employees and/or staff stood in the place of KATHLEEN DOUGHERTY's parents (in loco parentis), and as such were responsible for her care, well-being, and safety amongst other things, and were responsible for protecting her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

134. From approximately 1957 to 1961 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to supervise KATHLEEN DOUGHERTY

(FORMERLY KNOWN AS KATHLEEN MAYO), and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

135. From approximately 1957 to 1961 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO), and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

136. Plaintiff TRUDY LITTLE is a resident of Christiansted, St. Croix, U.S. Virgin Islands.

137. From approximately March of 1963 through February of 1969, TRUDY LITTLE resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

138. At the time she was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, TRUDY LITTLE was between the ages of eleven and seventeen years old.

139. From approximately March of 1963 through February of 1969 TRUDY LITTLE was in the custody of defendants and/or each of them.

140. From approximately March of 1963 to February of 1969, TRUDY LITTLE was under the supervision of defendants and/or each of them.

141. From approximately March of 1963 to February of 1969, defendants, and/or their agents, servants, associates, employees and/or staff stood in the place of TRUDY LITTLE's parents (in loco parentis), and as such were responsible for her care, well-being, and safety

amongst other things, and were responsible for protecting her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

142. From approximately March of 1963 to February of 1969, defendants and/or their agents, servants, associates, employees and/or staff, had a duty to supervise TRUDY LITTLE, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

143. From approximately March of 1963 to February of 1969, defendants and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of TRUDY LITTLE, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

144. Plaintiff ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO) is a resident of Lehigh Acres, County of Lee, State of Florida.

145. From approximately 1961 to 1971 ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO) resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

146. At the time she was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, ELIZABETH UNDERWOOD was between the ages of six and seventeen years old.

147. At the time she was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF

HOMELESS AND DESTITUTE CHILDREN, ELIZABETH UNDERWOOD was known as ELIZABETH ROSADO.

148. From approximately 1961 to 1971 ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), was in the custody of defendants and/or each of them.

149. From approximately 1961 to 1971 ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), was under the supervision of defendants and/or each of them.

150. From approximately 1961 to 1971 defendants and/or their agents, servants, associates, employees and/or staff stood in the place of ELIZABETH UNDERWOOD's parents (in loco parentis), and as such were responsible for her care, well-being, and safety amongst other things, and were responsible for protecting her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

151. From approximately 1961 to 1971 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to supervise ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

152. From approximately 1961 to 1971 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

153. Plaintiff JOHN LUCIANO is a resident of the City of Kingman, County of Mohave, State of Arizona.

154. From approximately 1948 through 1956, JOHN LUCIANO resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

155. At the time he was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, JOHN LUCIANO was between the ages of six and fourteen years old.

156. From approximately 1948 through 1956 JOHN LUCIANO was in the custody of defendants and/or each of them.

157. From approximately 1948 through 1956 JOHN LUCIANO was under the supervision of defendants and/or each of them.

158. From approximately 1948 through 1956 defendants and/or their agents, servants, associates, employees and/or staff stood in the place of JOHN LUCIANO's parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and were responsible for protecting him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

159. From approximately 1948 through 1956 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to supervise JOHN LUCIANO and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

160. From approximately 1948 through 1956 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of JOHN LUCIANO, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

161. Plaintiff WILLIAM LUCIANO is a resident of the City of Kingman, County of Mohave, State of Arizona.

162. From approximately 1948 through 1962, WILLIAM LUCIANO resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

163. At the time he was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, WILLIAM LUCIANO was between the ages of three and seventeen years old.

164. From approximately 1948 through 1962 WILLIAM LUCIANO was in the custody of defendants and/or each of them.

165. From approximately 1948 through 1962 WILLIAM LUCIANO was under the supervision of defendants and/or each of them.

166. From approximately 1948 through 1962 defendants and/or their agents, servants, associates, employees and/or staff stood in the place of WILLIAM LUCIANO's parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and were responsible for protecting him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

167. From approximately 1948 through 1962 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to supervise WILLIAM LUCIANO and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

168. From approximately 1948 through 1962 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of

WILLIAM LUCIANO, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults.

169. Plaintiff MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN) is a resident of the Borough of Farmingdale, County of Monmouth, State of New Jersey.

170. From approximately 1947 to 1959 MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN) resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN.

171. At the time she was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, MELISSA FURNARI was between the ages of six and seventeen years old.

172. At the time she was a resident of MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, MELISSA FURNARI was known as MILDRED O'BRIEN.

173. From approximately 1947 to 1959 MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN) was in the custody of defendants and/or each of them.

174. From approximately 1947 to 1959 MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN) was under the supervision of defendants and/or each of them.

175. From approximately 1947 to 1959 defendants and/or their agents, servants, associates, employees and/or staff stood in the place of MELISSA FURNARI's parents (in loco

parentis), and as such were responsible for her care, well-being, and safety amongst other things, and were responsible for protecting her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

176. From approximately 1947 to 1959 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to supervise MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

177. From approximately 1947 to 1959 defendants and/or their agents, servants, associates, employees and/or staff, had a duty to care for the welfare and well-being of MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults.

### **THE FACTS**

178. From approximately 1951 to 1956 MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK) resided at the MOUNT LORETTO CATHOLIC MISSION and/or THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, hereinafter referred to as "MOUNT LORETTO."

179. While she was at "MOUNT LORETTO" MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), was subjected to sexual abuse, as well as physical and emotional abuse, by numerous nuns and members of the staff.

180. While she was at "MOUNT LORETTO," MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), was frequently sexually abused and molested by the nuns, including but not limited to Sister Loretta Marie (also known as Sister Bucky). This sexual abuse and molestation included but was not limited to touching and fondling her genital area and



vagina, and inserting finger(s) into her vagina. Specifically, Sister Loretta Marie (also known as Sister Bucky) would come into the room at night, pull up Mary Brienza's nightgown, and touch her private areas several nights a week, sometimes for three to four hours a night, for years.

181. While she was at "MOUNT LORETTO," MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), was physically and emotionally abused on an almost daily basis by numerous nuns and staff members, including but not limited to Sister Loretta Marie (also known as Sister Bucky) and Sister Augustine (also known as Sister Gussie).

182. From approximately 1973 through 1980 CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) resided at "MOUNT LORETTO."

183. While he was at "MOUNT LORETTO" CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) was subjected to sexual abuse by numerous members of the staff.

184. While he was at "MOUNT LORETTO," CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) was repeatedly sexually abused and molested by two staff members named John, as well as by staff member Stanton Lancaster.

185. The sexual abuse and molestation by the first staff member named John took place between 1973 and 1978, when CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) was between six and ten years old. This sexual abuse included but was not limited to touching and fondling Christopher Brightwell's genitals and buttocks, and forcing Christopher to perform sex acts on him.

186. On one occasion when Christopher was ten years old, this staff member named John forced him to drink alcohol to get him drunk so that he could take advantage of him. Christopher vomited all over himself, all over John, and all over John's room, and then ran away

down the hallway. Although numerous other people including defendants' staff saw this event, no one said or did anything about it.

187. The sexual abuse and molestation by the other staff member named John also took place between 1973 and 1978, when CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) was between six and ten years old. This abuse included attempted sexual abuse and attempted rape. When Christopher resisted, John threw him down a flight of stairs, landing him in the infirmary for weeks. No one from Mount Loretto ever inquired as to why this occurred, and no one did anything to stop similar events from occurring in the future.

188. The sexual abuse and molestation by Stanton Lancaster took place between 1978 and 1980, when CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) was between ten and twelve years old. This sexual abuse included but was not limited to touching and fondling Christopher Brightwell's genitals and buttocks, including touching his buttocks with his erect penis, and forcing Christopher to perform sex acts on him.

189. While he was at "MOUNT LORETTO," CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) informed several staff members about the abuse, including but not limited to a staff member named Robert and one of the lunch ladies. Neither they nor anyone else from Mount Loretto did anything to stop the continued abuse.

190. While he was at "MOUNT LORETTO," CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) was physically and emotionally abused on an almost daily basis by the staff, including but not limited to the two staff members named John, and by Stanton Lancaster.

191. As a result, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA) became a chronic runaway by the age of 12, continually seeking to run from his problems, and later in life run from his past.

192. From approximately 1973 through 1978 NICHOLAS AURELIA resided at "MOUNT LORETTO." Additionally, between 1978 and 1980 he frequently returned to the Mount Loretto grounds for medical treatment.

193. While he was at "MOUNT LORETTO" on numerous occasions between 1973 and 1980 NICHOLAS AURELIA was subjected to sexual abuse by numerous members of the staff, including but not limited to staff member Stanton Lancaster.

194. The sexual abuse and molestation by Stanton Lancaster took place between 1973 and 1980, when NICHOLAS AURELIA was between three and ten years old. This sexual abuse included but was not limited to touching and fondling NICHOLAS AURELIA's genitals and buttocks, including touching his buttocks with his erect penis, forced oral sex, and forced anal sex.

195. Most often the sexual abuse by Stanton Lancaster took place in the basement of the building in which NICHOLAS AURELIA resided. In the basement there was a laundry area with a room off to the side, where Stanton Lancaster often stayed.

196. Sometimes the sexual abuse by Stanton Lancaster took place during the day, when he would lure boys, including but not limited to NICHOLAS AURELIA, to his room in the basement. More often, however, the sexual abuse took place at night. Stanton Lancaster would go up to the second floor where the boys slept, take them out of bed and carry them to his room in the basement, where he would sexually abuse them. In so doing, he would walk right by the head of the building, whose obligation it was to protect the children and look out for their safety

and security. That person was typically asleep. This sexual abuse took place on at least a weekly basis from 1973 through 1978, and continued after than through 1980.

197. On one occasion when NICHOLAS AURELIA was five years old, Stanton Lancaster lured him into an abandoned building on the Mount Loretto campus, where he and four other people repeatedly anally raped him. Upon information and belief this particular episode of abuse took place on July 9, 1974.

198. While he was at "MOUNT LORETTO," NICHOLAS AURELIA was physically and emotionally abused on an almost daily basis by the staff, including but not limited to Stanton Lancaster.

199. From approximately 1973 through 1978 ANTHONY AURELIA resided at "MOUNT LORETTO."

200. While he was at "MOUNT LORETTO" on numerous occasions between 1974 and 1978 ANTHONY AURELIA was subjected to sexual abuse by numerous members of the staff, including but not limited to staff member Stanton Lancaster.

201. The first year he resided at Mount Loretto, ANTHONY AURELIA was not subjected to sexual abuse. After that first year, however, he was moved to Cottage 9, where one of the staff members who stayed there was Stanton Lancaster.

202. Most often the sexual abuse by Stanton Lancaster took place in the basement of the building in which ANTHONY AURELIA resided, known as Cottage 9. In the basement there was a laundry area with a room off to the side, where Stanton Lancaster often stayed.

203. The sexual abuse and molestation by Stanton Lancaster took place between 1974 and 1978, when ANTHONY AURELIA was between eight and 11 years old. This sexual abuse included but was not limited to touching and fondling ANTHONY AURELIA's genitals and

buttocks, touching his buttocks with his erect penis and rubbing his erect penis against Anthony's naked buttocks, forced oral sex, forced anal sex, and performing oral sex upon Anthony. From 1974 through 1976 this sexual abuse took place on approximately a weekly basis. Thereafter the sexual abuse continued until 1978, but occurred somewhat less often.

204. While he was at "MOUNT LORETTO," ANTHONY AURELIA was physically and emotionally abused on an almost daily basis by the staff, including but not limited to Stanton Lancaster.

205. From approximately 1957 to 1961 KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) resided at "MOUNT LORETTO."

206. While she was at "MOUNT LORETTO" KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) was subjected to sexual abuse, as well as physical and emotional abuse, by numerous priests, nuns and members of the staff.

207. While she was at "MOUNT LORETTO," KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) was sexually abused and molested on at least two occasions by older girls who came into her dorm at night, from other dorms. These girls walked right into her dorm and her room, past the nun who was on duty and whose obligation and responsibility it was to supervise and protect the residents in this dorm, because the nun on duty was asleep. The sexual abuse included kissing Kathleen, licking her breasts, and fondling and inserting fingers into Kathleen's vagina, buttocks and anus.

208. While she was at "MOUNT LORETTO," KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) was sexually abused by Sister John and by Sister Juanita. This sexual abuse included but was not limited to "forcible touching" of her buttocks within the meaning of Penal Law section 130.52.

209. While she was at "MOUNT LORETTO," KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO) was physically and emotionally abused by the priests and nuns, including but not limited to Sister Helen, Sister John, and Sister Juanita.

210. From approximately March 1963 through February 1969 TRUDY LITTLE resided at "MOUNT LORETTO."

211. While she was at "MOUNT LORETTO" TRUDY LITTLE was subjected to sexual abuse, as well as physical and emotional abuse.

212. While she was at "MOUNT LORETTO" TRUDY LITTLE was subjected to sexual abuse in her dorm, St. Elizabeth's, the main dorm for girls through eighth grade.

213. While she was at "MOUNT LORETTO," TRUDY LITTLE was repeatedly sexually abused and molested by a gang of girls who came into her room at night. This abuse occurred on a regular basis, from the time Trudy Little arrived at Mount Loretto through her completion of eighth grade, while she lived in St. Elizabeth's. These girls walked right into her room, past the counselor Ms. Rodriguez who was on duty and whose obligation and responsibility it was to supervise and protect the residents in this dorm, because the counselor Ms. Rodriguez was asleep. The sexual abuse included kissing Trudy Little, and fondling and inserting fingers into Trudy's vagina, and touching her buttocks and anus.

214. From approximately 1961 to 1971 ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO) resided at "MOUNT LORETTO."

215. While she was at "MOUNT LORETTO" ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO) was subjected to sexual abuse, as well as physical and emotional abuse, by numerous priests, nuns and members of the staff.

216. While she was at “MOUNT LORETTO,” ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO) was sexually abused by, amongst others, the counselors Miss Juanita and Miss Marina. This sexual abuse included but was not limited to “forcible touching” of her buttocks within the meaning of Penal Law section 130.52.

217. While she was at “MOUNT LORETTO,” ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO) was physically and emotionally abused on an almost daily basis by the nuns, counselors and staff, including but not limited to Sister Helen and Sister Rosemarie, as well as the counselors Miss Juanita and Miss Marina.

218. From approximately 1948 through 1956 JOHN LUCIANO resided at “MOUNT LORETTO.” At this time he was between the ages of six and fourteen years old.

219. While he was at “MOUNT LORETTO” on numerous occasions JOHN LUCIANO was subjected to sexual abuse.

220. On one occasion when he was approximately nine or ten years old, John Luciano was taken to the beach at Mount Loretto with his group. However, when the group left the beach, the group leader left him behind. A man came by, enticed John Luciano to walk down the beach with the promise of giving him binoculars, and proceeded to sexually abuse him. This sexual abuse included taking John’s bathing suit off, and touching and fondling John’s buttocks while he masturbated.

221. On approximately four occasions when JOHN LUCIANO was twelve to thirteen years old, Brother Denard sexually abused him. These instances of sexual abuse included placing his hand down John’s pants and rubbing and caressing his buttocks, while masturbating with his other hand.

222. From approximately 1948 through 1962 WILLIAM LUCIANO resided at “MOUNT LORETTO.” At this time he was between the ages of three and seventeen years old.

223. While he was at “MOUNT LORETTO” on numerous occasions WILLIAM LUCIANO was subjected to sexual abuse.

224. On numerous occasions when he was approximately nine years old, the counselor in his dorm, Bill Hodges, sexually abused him. This sexual abuse included luring WILLIAM LUCIANO into his room to talk about sports, taking off his clothes, and having William touch him, rub him and scratch his back naked. On numerous occasions, Bill Hodges forcibly touched William on his naked buttocks, and slapped and caressed his buttocks.

225. On another occasion when he was living in the same dorm, and also when he was approximately nine years old, another counselor came up to WILLIAM LUCIANO in his bed, and tried to force his penis into William’s mouth, touching William in the face with his penis.

226. From approximately 1947 to 1959 MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O’BRIEN) resided at “MOUNT LORETTO.”

227. While she was at “MOUNT LORETTO” MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O’BRIEN) was subjected to sexual abuse, as well as physical and emotional abuse, by numerous nuns and members of the staff.

228. While she was at “MOUNT LORETTO,” MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O’BRIEN), was sexually abused by, amongst others, Sister Steven Marie, Sister Augustine, and Sister Agnes Marie. This sexual abuse included but was not limited to “forcible touching” of her buttocks within the meaning of Penal Law section 130.52.

229. While she was at “MOUNT LORETTO,” MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O’BRIEN), was frequently physically and emotionally abused by the



nuns, counselors and staff, including but not limited to Sister Steven Marie, Sister Augustine, Sister Virginia Marie and Sister Agnes Marie.

230. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MARY BRIENZA BASED UPON A THEORY  
OF STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

231. That the Plaintiff MARY BRIENZA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “TWO HUNDRED AND THIRTIETH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

232. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

233. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.52, 130.55, 130.60, 130.65, 130.65-a, 130.66, 130.67, 130.75, and 130.96.

234. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

235. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

236. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MARY BRIENZA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

237. That by reason of the foregoing, the Plaintiff MARY BRIENZA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MARY BRIENZA BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

238. That the Plaintiff MARY BRIENZA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "TWO HUNDRED AND THIRTY-SEVENTH" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

239. While MARY BRIENZA was in the custody of defendants and/or each of them from approximately 1951 to 1956, defendants stood in the place of MARY BRIENZA's parents (in loco parentis), and as such were responsible for her care, well-being, and safety amongst

other things, and had a duty to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

240. From approximately 1951 to 1956 defendants had a duty to care for the welfare and well-being of MARY BRIENZA as if they were her parents, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

241. Defendants breached their duty of care with respect to MARY BRIENZA.

242. Defendants breached their duty to care for MARY BRIENZA, failed to properly carry out their duty to stand in the place of her parents, and were negligent, careless and reckless in failing to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

243. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

244. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MARY BRIENZA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

245. That by reason of the foregoing, the Plaintiff MARY BRIENZA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MARY BRIENZA BASED UPON A THEORY OF  
NEGLIGENT SUPERVISION AS AGAINST ALL DEFENDANTS**

246. That the Plaintiff MARY BRIENZA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “TWO HUNDRED AND FORTY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

247. While MARY BRIENZA was in the care, custody and control of defendants and/or each of them from approximately 1951 to 1956, defendants had a duty to supervise MARY BRIENZA, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for her care, well-being, and safety amongst other things.

248. Defendants breached their duty to properly supervise MARY BRIENZA, failed to properly carry out their duty to supervise her in her activities, and were negligent, careless and reckless in failing to properly supervise her and in failing to adequately protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

249. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MARY BRIENZA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to

suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

250. That by reason of the foregoing, the Plaintiff MARY BRIENZA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MARY BRIENZA BASED UPON A THEORY OF NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

251. That the Plaintiff MARY BRIENZA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “TWO HUNDRED AND FIFTIETH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

252. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

253. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

254. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

255. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

256. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

257. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

258. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the nuns and teachers at Mount Loretto, in a reasonably prudent fashion.

259. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

260. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and

caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

261. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff MARY BRIENZA.

262. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff MARY BRIENZA.

263. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MARY BRIENZA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

264. That by reason of the foregoing, the Plaintiff MARY BRIENZA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF MARY  
BRIENZA BASED UPON A THEORY OF NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

265. That the Plaintiff MARY BRIENZA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “TWO HUNDRED AND SIXTY-FORTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

266. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff MARY BRIENZA suffering severe emotional distress.

267. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff MARY BRIENZA suffering severe emotional distress.

268. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff MARY BRIENZA to suffer severe emotional distress.

269. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff MARY BRIENZA suffering severe emotional distress.

270. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the



Plaintiff MARY BRIENZA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

271. That by reason of the foregoing, the Plaintiff MARY BRIENZA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF MARY  
BRIENZA BASED UPON A THEORY OF INTENTIONAL INFLECTION OF  
EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

272. That the Plaintiff MARY BRIENZA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “TWO HUNDRED AND SEVENTY-FIRST” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

273. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to MARY BRIENZA, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff MARY BRIENZA to suffer severe emotional distress.

274. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to MARY BRIENZA, with the intent to degrade and abuse MARY BRIENZA, and/or to satisfy and gratify their own sick sexual desires.

275. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff MARY BRIENZA to suffer severe emotional distress.

276. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MARY BRIENZA endured sexual abuse and molestation, as well as physical and emotional abuse and emotional distress, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

277. That by reason of the foregoing, the Plaintiff MARY BRIENZA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MARY BRIENZA BASED UPON A THEORY OF  
BATTERY AGAINST ALL DEFENDANTS**

278. That the Plaintiff MARY BRIENZA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “TWO HUNDRED AND SEVENTY-SEVENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

279. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff MARY

BRIENZA, all of which were done intentionally by the defendants and without plaintiff MARY BRIENZA's consent.

280. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff's consent.

281. Such acts were done for the purposes of degrading and abusing MARY BRIENZA, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

282. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff MARY BRIENZA was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

283. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MARY BRIENZA was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

284. That by reason of the foregoing, plaintiff MARY BRIENZA is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

285. That by reason of the foregoing, the Plaintiff MARY BRIENZA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR AN EIGHTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MARY BRIENZA BASED UPON A THEORY OF  
ASSAULT AGAINST ALL DEFENDANTS**

286. That the Plaintiff MARY BRIENZA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “TWO HUNDRED AND EIGHTY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

287. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable apprehension in plaintiff MARY BRIENZA of immediate harmful and offensive contacts including but not limited to sexual contacts to MARY BRIENZA’S person, all of which were done intentionally by the defendants and without plaintiff MARY BRIENZA’S consent.

288. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without MARY BRIENZA’S consent.

289. Such acts were done for the purposes of degrading and abusing MARY BRIENZA, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

290. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff MARY BRIENZA was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other

economic damages and loss, and will continue to experience and incur these damages and losses in the future.

291. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MARY BRIENZA was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

292. That by reason of the foregoing, plaintiff MARY BRIENZA is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

293. That by reason of the foregoing, the Plaintiff MARY BRIENZA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A NINTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF CHRISTOPHER BRIGHTWELL BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

294. That the Plaintiff CHRISTOPHER BRIGHTWELL repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “TWO HUNDRED AND NINETY-THIRD” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

295. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

296. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.20, 130.40, 130.45, 130.50, 130.52, 130.55, 130.60, 130.65, 130.65-a, 130.67, 130.75, 130.80 and 130.96.

297. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

298. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

299. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff CHRISTOPHER BRIGHTWELL endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

300. That by reason of the foregoing, the Plaintiff CHRISTOPHER BRIGHTWELL has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF CHRISTOPHER BRIGHTWELL BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

301. That the Plaintiff CHRISTOPHER BRIGHTWELL repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDREDTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

302. While CHRISTOPHER BRIGHTWELL was in the custody of defendants and/or each of them from approximately 1973 through 1980, defendants stood in the place of CHRISTOPHER BRIGHTWELL’S parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and had a duty to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

303. From approximately 1973 through 1980 defendants had a duty to care for the welfare and well-being of CHRISTOPHER BRIGHTWELL as if they were his parents, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

304. Defendants breached their duty of care with respect to CHRISTOPHER BRIGHTWELL.

305. Defendants breached their duty to care for CHRISTOPHER BRIGHTWELL, failed to properly carry out their duty to stand in the place of his parents, and were negligent, careless and reckless in failing to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

306. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but

not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

307. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff CHRISTOPHER BRIGHTWELL endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

308. That by reason of the foregoing, the Plaintiff CHRISTOPHER BRIGHTWELL has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A ELEVENTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
CHRISTOPHER BRIGHTWELL BASED UPON A THEORY OF NEGLIGENT  
SUPERVISION AS AGAINST ALL DEFENDANTS**

309. That the Plaintiff CHRISTOPHER BRIGHTWELL repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

310. While CHRISTOPHER BRIGHTWELL was in the care, custody and control of defendants and/or each of them from approximately 1973 through 1980, defendants had a duty to supervise CHRISTOPHER BRIGHTWELL, and to protect him from harm, abuse, assault and



other harms, including but not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for his care, well-being, and safety amongst other things.

311. Defendants breached their duty to properly supervise CHRISTOPHER BRIGHTWELL, failed to properly carry out their duty to supervise him in his activities, and were negligent, careless and reckless in failing to properly supervise him and in failing to adequately protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

312. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff CHRISTOPHER BRIGHTWELL endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

313. That by reason of the foregoing, the Plaintiff CHRISTOPHER BRIGHTWELL has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWELFTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
CHRISTOPHER BRIGHTWELL BASED UPON A THEORY OF NEGLIGENT  
HIRING, RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

314. That the Plaintiff CHRISTOPHER BRIGHTWELL repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs

“FIRST” through “THREE HUNDRED AND THIRTEENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

315. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

316. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

317. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

318. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

319. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

320. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

321. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the priests, nuns, teachers and staff at Mount Loretto, in a reasonably prudent fashion.

322. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

323. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

324. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff CHRISTOPHER BRIGHTWELL.

325. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually

abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff CHRISTOPHER BRIGHTWELL.

326. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff CHRISTOPHER BRIGHTWELL endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

327. That by reason of the foregoing, the Plaintiff CHRISTOPHER BRIGHTWELL has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTEENTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
CHRISTOPHER BRIGHTWELL BASED UPON A THEORY OF NEGLIGENT  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

328. That the Plaintiff CHRISTOPHER BRIGHTWELL repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND TWENTY-SEVENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

329. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff CHRISTOPHER BRIGHTWELL suffering severe emotional distress.

330. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff CHRISTOPHER BRIGHTWELL suffering severe emotional distress.

331. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff CHRISTOPHER BRIGHTWELL to suffer severe emotional distress.

332. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff CHRISTOPHER BRIGHTWELL, and knew or should have known that their actions and omissions would and in fact did cause plaintiff CHRISTOPHER BRIGHTWELL to suffer severe emotional distress.

333. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff CHRISTOPHER BRIGHTWELL suffering severe emotional distress.

334. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff CHRISTOPHER BRIGHTWELL endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

335. That by reason of the foregoing, the Plaintiff CHRISTOPHER BRIGHTWELL has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FOURTEENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF CHRISTOPHER BRIGHTWELL BASED UPON A THEORY OF  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL  
DEFENDANTS**

336. That the Plaintiff CHRISTOPHER BRIGHTWELL repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND THIRTY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

337. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to CHRISTOPHER BRIGHTWELL, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff CHRISTOPHER BRIGHTWELL to suffer severe emotional distress.

338. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to CHRISTOPHER BRIGHTWELL, with the intent to degrade and abuse CHRISTOPHER BRIGHTWELL, and/or to satisfy and gratify their own sick sexual desires.

339. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff CHRISTOPHER BRIGHTWELL to suffer severe emotional distress.

340. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff CHRISTOPHER

BRIGHTWELL, and knew or should have known that their actions and omissions would and in fact did cause plaintiff CHRISTOPHER BRIGHTWELL to suffer severe emotional distress.

341. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff CHRISTOPHER BRIGHTWELL endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

342. That by reason of the foregoing, the Plaintiff CHRISTOPHER BRIGHTWELL has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTEENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF CHRISTOPHER BRIGHTWELL BASED UPON A THEORY OF  
BATTERY AGAINST ALL DEFENDANTS**

343. That the Plaintiff CHRISTOPHER BRIGHTWELL repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND FORTY-SECOND” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

344. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff CHRISTOPHER BRIGHTWELL, all of which were done intentionally by the defendants and without plaintiff CHRISTOPHER BRIGHTWELL’S consent.

345. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff's consent.

346. Such acts were done for the purposes of degrading and abusing CHRISTOPHER BRIGHTWELL, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

347. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff CHRISTOPHER BRIGHTWELL was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

348. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff CHRISTOPHER BRIGHTWELL was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

349. That by reason of the foregoing, plaintiff CHRISTOPHER BRIGHTWELL is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

350. That by reason of the foregoing, the Plaintiff CHRISTOPHER BRIGHTWELL has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.



**AS AND FOR A SIXTEENTH CAUSE OF ACTION ON  
BEHALF OF PLAINTIFF CHRISTOPHER BRIGHTWELL BASED UPON A  
THEORY OF ASSAULT AGAINST ALL DEFENDANTS**

351. That the Plaintiff CHRISTOPHER BRIGHTWELL repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND FIFTIETH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

352. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable apprehension in plaintiff CHRISTOPHER BRIGHTWELL of immediate harmful and offensive contacts including but not limited to sexual contacts to CHRISTOPHER BRIGHTWELL’S person, all of which were done intentionally by the defendants and without plaintiff CHRISTOPHER BRIGHTWELL’S consent.

353. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without CHRISTOPHER BRIGHTWELL’S consent.

354. Such acts were done for the purposes of degrading and abusing CHRISTOPHER BRIGHTWELL, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

355. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff CHRISTOPHER BRIGHTWELL was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical

expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

356. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff CHRISTOPHER BRIGHTWELL was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

357. That by reason of the foregoing, plaintiff CHRISTOPHER BRIGHTWELL is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

358. That by reason of the foregoing, the Plaintiff CHRISTOPHER BRIGHTWELL has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTEENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF NICHOLAS AURELIA BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

359. That the Plaintiff NICHOLAS AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND FIFTY-EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

360. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

361. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.20, 130.40, 130.45, 130.50, 130.52, 130.55, 130.60, 130.65, 130.65-a, 130.67, 130.75, 130.80 and 130.96.

362. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

363. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

364. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff NICHOLAS AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

365. That by reason of the foregoing, the Plaintiff NICHOLAS AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A EIGHTEENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF NICHOLAS AURELIA BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

366. That the Plaintiff NICHOLAS AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND SIXTY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

367. While NICHOLAS AURELIA was in the custody of defendants and/or each of them from approximately 1973 through 1980, defendants stood in the place of NICHOLAS AURELIA’S parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and had a duty to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

368. From approximately 1973 through 1980 defendants had a duty to care for the welfare and well-being of NICHOLAS AURELIA as if they were his parents, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

369. Defendants breached their duty of care with respect to NICHOLAS AURELIA.

370. Defendants breached their duty to care for NICHOLAS AURELIA, failed to properly carry out their duty to stand in the place of his parents, and were negligent, careless and reckless in failing to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

371. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but

not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

372. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff NICHOLAS AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

373. That by reason of the foregoing, the Plaintiff NICHOLAS AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A NINETEENTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
NICHOLAS AURELIA BASED UPON A THEORY OF NEGLIGENT  
SUPERVISION AS AGAINST ALL DEFENDANTS**

374. That the Plaintiff NICHOLAS AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND SEVENTY-THIRD” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

375. While NICHOLAS AURELIA was in the care, custody and control of defendants and/or each of them from approximately 1973 through 1980, defendants had a duty to supervise NICHOLAS AURELIA, and to protect him from harm, abuse, assault and other harms, including

but not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for his care, well-being, and safety amongst other things.

376. Defendants breached their duty to properly supervise NICHOLAS AURELIA, failed to properly carry out their duty to supervise him in his activities, and were negligent, careless and reckless in failing to properly supervise him and in failing to adequately protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

377. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff NICHOLAS AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

378. That by reason of the foregoing, the Plaintiff NICHOLAS AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTIETH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
NICHOLAS AURELIA BASED UPON A THEORY OF NEGLIGENCE,  
RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

379. That the Plaintiff NICHOLAS AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through

“THREE HUNDRED AND SEVENTY-EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

380. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

381. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

382. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

383. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

384. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

385. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

386. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the priests, nuns, teachers and staff at Mount Loretto, in a reasonably prudent fashion.

387. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

388. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

389. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well as physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff NICHOLAS AURELIA.

390. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually



abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff NICHOLAS AURELIA.

391. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff NICHOLAS AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

392. That by reason of the foregoing, the Plaintiff NICHOLAS AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTY-FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
NICHOLAS AURELIA BASED UPON A THEORY OF NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

393. That the Plaintiff NICHOLAS AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “THREE HUNDRED AND NINETY-SECOND” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

394. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff NICHOLAS AURELIA suffering severe emotional distress.

395. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff NICHOLAS AURELIA suffering severe emotional distress.

396. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff NICHOLAS AURELIA to suffer severe emotional distress.

397. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff NICHOLAS AURELIA, and knew or should have known that their actions and omissions would and in fact did cause plaintiff NICHOLAS AURELIA to suffer severe emotional distress.

398. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff NICHOLAS AURELIA suffering severe emotional distress.

399. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff NICHOLAS AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

400. That by reason of the foregoing, the Plaintiff NICHOLAS AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTY-SECOND CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF NICHOLAS AURELIA BASED UPON A THEORY OF INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

401. That the Plaintiff NICHOLAS AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDREDTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

402. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to NICHOLAS AURELIA, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff NICHOLAS AURELIA to suffer severe emotional distress.

403. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to NICHOLAS AURELIA, with the intent to degrade and abuse NICHOLAS AURELIA, and/or to satisfy and gratify their own sick sexual desires.

404. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff NICHOLAS AURELIA to suffer severe emotional distress.

405. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff NICHOLAS AURELIA, and

knew or should have known that their actions and omissions would and in fact did cause plaintiff NICHOLAS AURELIA to suffer severe emotional distress.

406. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff NICHOLAS AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

407. That by reason of the foregoing, the Plaintiff NICHOLAS AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTY-THIRD CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF NICHOLAS AURELIA BASED UPON A THEORY OF BATTERY  
AGAINST ALL DEFENDANTS**

408. That the Plaintiff NICHOLAS AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND SEVENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

409. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff NICHOLAS AURELIA, all of which were done intentionally by the defendants and without plaintiff NICHOLAS AURELIA’S consent.

410. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff's consent.

411. Such acts were done for the purposes of degrading and abusing NICHOLAS AURELIA, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

412. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff NICHOLAS AURELIA was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

413. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff NICHOLAS AURELIA was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

414. That by reason of the foregoing, plaintiff NICHOLAS AURELIA is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

415. That by reason of the foregoing, the Plaintiff NICHOLAS AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTY-FOURTH CAUSE OF ACTION ON  
BEHALF OF PLAINTIFF NICHOLAS AURELIA BASED UPON A  
THEORY OF ASSAULT AGAINST ALL DEFENDANTS**

416. That the Plaintiff NICHOLAS AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND FIFTEENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

417. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable apprehension in plaintiff NICHOLAS AURELIA of immediate harmful and offensive contacts including but not limited to sexual contacts to NICHOLAS AURELIA’S person, all of which were done intentionally by the defendants and without plaintiff NICHOLAS AURELIA’S consent.

418. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without NICHOLAS AURELIA’s consent.

419. Such acts were done for the purposes of degrading and abusing NICHOLAS AURELI, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

420. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff NICHOLAS AURELIA was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

421. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff NICHOLAS AURELIA was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

422. That by reason of the foregoing, plaintiff NICHOLAS AURELIA is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

423. That by reason of the foregoing, the Plaintiff NICHOLAS AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTY-FIFTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ANTHONY AURELIA BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

424. That the Plaintiff ANTHONY AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND TWENTY-THIRD” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

425. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

426. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of

New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.20, 130.40, 130.45, 130.50, 130.52, 130.55, 130.60, 130.65, 130.65-a, 130.67, 130.75, 130.80 and 130.96.

427. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

428. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

429. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ANTHONY AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

430. That by reason of the foregoing, the Plaintiff ANTHONY AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.



**AS AND FOR A TWENTY-SIXTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ANTHONY AURELIA BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

431. That the Plaintiff ANTHONY AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND THIRTIETH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

432. While ANTHONY AURELIA was in the custody of defendants and/or each of them from approximately 1973 through 1978, defendants stood in the place of ANTHONY AURELIA’S parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and had a duty to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

433. From approximately 1973 through 1978 defendants had a duty to care for the welfare and well-being of ANTHONY AURELIA as if they were his parents, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

434. Defendants breached their duty of care with respect to ANTHONY AURELIA.

435. Defendants breached their duty to care for ANTHONY AURELIA, failed to properly carry out their duty to stand in the place of his parents, and were negligent, careless and reckless in failing to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

436. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but

not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

437. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ANTHONY AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

438. That by reason of the foregoing, the Plaintiff ANTHONY AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTY-SEVENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ANTHONY AURELIA BASED UPON A THEORY OF NEGLIGENT  
SUPERVISION AS AGAINST ALL DEFENDANTS**

439. That the Plaintiff ANTHONY AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND THIRTY-EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

440. While ANTHONY AURELIA was in the care, custody and control of defendants and/or each of them from approximately 1973 through 1978, defendants had a duty to supervise ANTHONY AURELIA, and to protect him from harm, abuse, assault and other harms, including

but not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for his care, well-being, and safety amongst other things.

441. Defendants breached their duty to properly supervise ANTHONY AURELIA, failed to properly carry out their duty to supervise him in his activities, and were negligent, careless and reckless in failing to properly supervise him and in failing to adequately protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

442. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ANTHONY AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

443. That by reason of the foregoing, the Plaintiff ANTHONY AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTY-EIGHTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ANTHONY AURELIA BASED UPON A THEORY OF NEGLIGENT  
HIRING, RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

444. That the Plaintiff ANTHONY AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through

“FOUR HUNDRED AND FORTY-THIRD” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

445. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

446. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

447. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

448. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

449. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

450. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

451. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the priests, nuns, teachers and staff at Mount Loretto, in a reasonably prudent fashion.

452. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

453. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

454. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff ANTHONY AURELIA.

455. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually

abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff ANTHONY AURELIA.

456. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ANTHONY AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

457. That by reason of the foregoing, the Plaintiff ANTHONY AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A TWENTY-NINTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF ANTHONY AURELIA BASED UPON A THEORY OF NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

458. That the Plaintiff ANTHONY AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND FIFTY-SEVENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

459. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff ANTHONY AURELIA suffering severe emotional distress.

460. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff ANTHONY AURELIA suffering severe emotional distress.

461. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff ANTHONY AURELIA to suffer severe emotional distress.

462. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff ANTHONY AURELIA, and knew or should have known that their actions and omissions would and in fact did cause plaintiff ANTHONY AURELIA to suffer severe emotional distress.

463. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff ANTHONY AURELIA suffering severe emotional distress.

464. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ANTHONY AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

465. That by reason of the foregoing, the Plaintiff ANTHONY AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTIETH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ANTHONY AURELIA BASED UPON A THEORY OF INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

466. That the Plaintiff ANTHONY AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND SIXTY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

467. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to ANTHONY AURELIA, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff ANTHONY AURELIA to suffer severe emotional distress.

468. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to ANTHONY AURELIA, with the intent to degrade and abuse ANTHONY AURELIA, and/or to satisfy and gratify their own sick sexual desires.

469. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff ANTHONY AURELIA to suffer severe emotional distress.

470. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff ANTHONY AURELIA, and



knew or should have known that their actions and omissions would and in fact did cause plaintiff ANTHONY AURELIA to suffer severe emotional distress.

471. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ANTHONY AURELIA endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

472. That by reason of the foregoing, the Plaintiff ANTHONY AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTY-FIRST CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ANTHONY AURELIA BASED UPON A THEORY OF BATTERY  
AGAINST ALL DEFENDANTS**

473. That the Plaintiff ANTHONY AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND SEVENTY-SECOND” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

474. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff ANTHONY AURELIA, all of which were done intentionally by the defendants and without plaintiff ANTHONY AURELIA’S consent.

475. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff's consent.

476. Such acts were done for the purposes of degrading and abusing ANTHONY AURELIA, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

477. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff ANTHONY AURELIA was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

478. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ANTHONY AURELIA was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

479. That by reason of the foregoing, plaintiff ANTHONY AURELIA is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

480. That by reason of the foregoing, the Plaintiff ANTHONY AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTY-SECOND CAUSE OF ACTION ON  
BEHALF OF PLAINTIFF ANTHONY AURELIA BASED UPON A  
THEORY OF ASSAULT AGAINST ALL DEFENDANTS**

481. That the Plaintiff ANTHONY AURELIA repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND EIGHTIETH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

482. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable apprehension in plaintiff ANTHONY AURELIA of immediate harmful and offensive contacts including but not limited to sexual contacts to ANTHONY AURELIA’S person, all of which were done intentionally by the defendants and without plaintiff ANTHONY AURELIA’S consent.

483. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without ANTHONY AURELIA’s consent.

484. Such acts were done for the purposes of degrading and abusing ANTHONY AURELIA, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

485. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff ANTHONY AURELIA was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

486. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ANTHONY AURELIA was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

487. That by reason of the foregoing, plaintiff ANTHONY AURELIA is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

488. That by reason of the foregoing, the Plaintiff ANTHONY AURELIA has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTY-THIRD CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF KATHLEEN DOUGHERTY BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

489. That the Plaintiff KATHLEEN DOUGHERTY repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND EIGHTY-EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

490. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, caused, allowed and/or permitted actions which constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

491. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, caused, allowed and/or permitted actions which constituted violations of

Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.52, 130.55, 130.60, 130.65, 130.65-a, 130.67, 130.75, 130.80 and 130.96.

492. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

493. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

494. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff KATHLEEN DOUGHERTY endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

495. That by reason of the foregoing, the Plaintiff KATHLEEN DOUGHERTY has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR AN THIRTY-FOURTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF KATHLEEN DOUGHERTY BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

496. That the Plaintiff KATHLEEN DOUGHERTY repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FOUR HUNDRED AND NINETY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

497. While KATHLEEN DOUGHERTY was in the care, custody and control of defendants and/or each of them from approximately 1957 to 1961, defendants stood in the place of KATHLEEN DOUGHERTY’S parents (in loco parentis), and as such were responsible for her care, well-being, and safety amongst other things, and had a duty to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

498. From approximately 1957 to 1961 defendants had a duty to care for the welfare and well-being of KATHLEEN DOUGHERTY as if they were her parents, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

499. Defendants breached their duty of care with respect to KATHLEEN DOUGHERTY.

500. Defendants breached their duty to care for KATHLEEN DOUGHERTY, failed to properly carry out their duty to stand in the place of her parents, and were negligent, careless and reckless in failing to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

501. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but

not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

502. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff KATHLEEN DOUGHERTY endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

503. That by reason of the foregoing, the Plaintiff KATHLEEN DOUGHERTY has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTY-FIFTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF KATHLEEN DOUGHERTY BASED UPON A THEORY OF  
NEGLIGENT SUPERVISION AS AGAINST ALL DEFENDANTS**

504. That the Plaintiff KATHLEEN DOUGHERTY repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND THIRD” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

505. While KATHLEEN DOUGHERTY was in the custody of defendants and/or each of them from approximately 1957 to 1961, defendants had a duty to supervise KATHLEEN DOUGHERTY, and to protect her from harm, abuse, assault and other harms, including but not

limited to sexual assaults, as well as physical and emotional abuse, and were responsible for her care, well-being, and safety amongst other things.

506. Defendants breached their duty to properly supervise KATHLEEN DOUGHERTY, failed to properly carry out their duty to supervise her in her activities, and were negligent, careless and reckless in failing to properly supervise her and in failing to adequately protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

507. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff KATHLEEN DOUGHERTY endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

508. That by reason of the foregoing, the Plaintiff KATHLEEN DOUGHERTY has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTY-SIXTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF KATHLEEN DOUGHERTY BASED UPON A THEORY OF NEGLIGENT  
HIRING, RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

509. That the Plaintiff KATHLEEN DOUGHERTY repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through



“FIVE HUNDRED AND EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

510. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

511. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

512. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

513. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

514. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

515. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

516. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the nuns, priests and teachers at Mount Loretto, in a reasonably prudent fashion.

517. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

518. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

519. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff KATHLEEN DOUGHERTY.

520. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually

abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff KATHLEEN DOUGHERTY.

521. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff KATHLEEN DOUGHERTY endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

522. That by reason of the foregoing, the Plaintiff KATHLEEN DOUGHERTY has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTY-SEVENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF KATHLEEN DOUGHERTY BASED UPON A THEORY OF NEGLIGENT  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

523. That the Plaintiff KATHLEEN DOUGHERTY repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND TWENTY-SECOND” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

524. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff KATHLEEN DOUGHERTY suffering severe emotional distress.

525. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff KATHLEEN DOUGHERTY suffering severe emotional distress.

526. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff KATHLEEN DOUGHERTY to suffer severe emotional distress.

527. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff KATHLEEN DOUGHERTY suffering severe emotional distress.

528. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff KATHLEEN DOUGHERTY endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

529. That by reason of the foregoing, the Plaintiff KATHLEEN DOUGHERTY has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTY-EIGHTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
KATHLEEN DOUGHERTY BASED UPON A THEORY OF INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

530. That the Plaintiff KATHLEEN DOUGHERTY repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDERED AND TWENTY-NINTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

531. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to KATHLEEN DOUGHERTY, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff KATHLEEN DOUGHERTY to suffer severe emotional distress.

532. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to KATHLEEN DOUGHERTY, with the intent to degrade and abuse KATHLEEN DOUGHERTY, and/or to satisfy and gratify their own sick sexual desires.

533. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff KATHLEEN DOUGHERTY to suffer severe emotional distress.

534. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff KATHLEEN DOUGHERTY endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of

life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

535. That by reason of the foregoing, the Plaintiff KATHLEEN DOUGHERTY has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRTY-NINTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF KATHLEEN DOUGHERTY BASED UPON A THEORY OF  
BATTERY AGAINST ALL DEFENDANTS**

536. That the Plaintiff KATHLEEN DOUGHERTY repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND THIRTY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

537. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff KATHLEEN DOUGHERTY, all of which were done intentionally by the defendants and without plaintiff KATHLEEN DOUGHERTY’s consent.

538. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff’s consent.

539. Such acts were done for the purposes of degrading and abusing KATHLEEN DOUGHERTY, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

540. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff KATHLEEN DOUGHERTY was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering,

emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

541. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff KATHLEEN DOUGHERTY was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

542. That by reason of the foregoing, plaintiff KATHLEEN DOUGHERTY is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

543. That by reason of the foregoing, the Plaintiff KATHLEEN DOUGHERTY has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FOURTIETH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF KATHLEEN DOUGHERTY BASED UPON A THEORY OF  
ASSAULT AGAINST ALL DEFENDANTS**

544. That the Plaintiff KATHLEEN DOUGHERTY repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND FORTY-THIRD” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

545. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable

apprehension in plaintiff KATHLEEN DOUGHERTY of immediate harmful and offensive contacts including but not limited to sexual contacts to KATHLEEN DOUGHERTY's person, all of which were done intentionally by the defendants and without plaintiff KATHLEEN DOUGHERTY's consent.

546. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without KATHLEEN DOUGHERTY's consent.

547. Such acts were done for the purposes of degrading and abusing KATHLEEN DOUGHERTY, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

548. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff KATHLEEN DOUGHERTY was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

549. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff KATHLEEN DOUGHERTY was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.



550. That by reason of the foregoing, plaintiff KATHLEEN DOUGHERTY is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

551. That by reason of the foregoing, the Plaintiff KATHLEEN DOUGHERTY has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-FIRST CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF TRUDY LITTLE BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

552. That the Plaintiff TRUDY LITTLE repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND FIFTY-FIRST” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

553. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, caused, allowed and/or permitted actions which constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

554. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, caused, allowed and/or permitted actions which constituted violations of Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.52, 130.55, 130.60, 130.65-a, 130.67, 130.75, 130.91, and 130.96.

555. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

556. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

557. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff TRUDY LITTLE endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

558. That by reason of the foregoing, the Plaintiff, TRUDY LITTLE has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-SECOND CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF TRUDY LITTLE BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

559. That the Plaintiff TRUDY LITTLE repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "FIVE HUNDRED AND FIFTY-EIGHTH" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

560. While TRUDY LITTLE was in the custody of defendants and/or each of them from approximately 1963 to 1969, defendants stood in the place of TRUDY LITTLE's parents (in loco parentis), and as such were responsible for her care, well-being, and safety amongst

other things, and had a duty to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

561. From approximately 1963 to 1969 defendants had a duty to care for the welfare and well-being of TRUDY LITTLE as if they were her parents, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

562. Defendants breached their duty of care with respect to TRUDY LITTLE.

563. Defendants breached their duty to care for TRUDY LITTLE, failed to properly carry out their duty to stand in the place of her parents, and were negligent, careless and reckless in failing to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

564. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

565. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff TRUDY LITTLE endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

566. That by reason of the foregoing, the Plaintiff TRUDY LITTLE has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-THIRD CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF TRUDY LITTLE BASED UPON A THEORY OF  
NEGLIGENT SUPERVISION AS AGAINST ALL DEFENDANTS**

567. That the Plaintiff TRUDY LITTLE repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "FIVE HUNDRED AND SIXTY-SIXTH" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

568. While TRUDY LITTLE was in the care, custody and control of defendants and/or each of them from approximately 1963 to 1969, defendants had a duty to supervise TRUDY LITTLE, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for her care, well-being, and safety amongst other things.

569. Defendants breached their duty to properly supervise TRUDY LITTLE, failed to properly carry out their duty to supervise her in her activities, and were negligent, careless and reckless in failing to properly supervise her and in failing to adequately protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

570. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff TRUDY LITTLE endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to

suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

571. That by reason of the foregoing, the Plaintiff TRUDY LITTLE has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-FOURTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF TRUDY LITTLE BASED UPON A THEORY OF NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

572. That the Plaintiff TRUDY LITTLE repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND SEVENTY-FIRST” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

573. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

574. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

575. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

576. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

577. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

578. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

579. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the nuns and teachers at Mount Loretto, in a reasonably prudent fashion.

580. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

581. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and

caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

582. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff TRUDY LITTLE.

583. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff TRUDY LITTLE.

584. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff TRUDY LITTLE endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

585. That by reason of the foregoing, the Plaintiff TRUDY LITTLE has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-FIFTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF TRUDY LITTLE BASED UPON A THEORY OF NEGLIGENT  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

586. That the Plaintiff TRUDY LITTLE repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND EIGHTY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

587. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff TRUDY LITTLE suffering severe emotional distress.

588. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff TRUDY LITTLE suffering severe emotional distress.

589. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff TRUDY LITTLE to suffer severe emotional distress.

590. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff TRUDY LITTLE suffering severe emotional distress.

591. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the



Plaintiff TRUDY LITTLE endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

592. That by reason of the foregoing, the Plaintiff TRUDY LITTLE has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-SIXTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
TRUDY LITTLE BASED UPON A THEORY OF INTENTIONAL INFLECTION OF  
EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

593. That the Plaintiff TRUDY LITTLE repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND NINETY-SECOND” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

594. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to TRUDY LITTLE, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff R TRUDY LITTLE to suffer severe emotional distress.

595. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to TRUDY LITTLE, with the intent to degrade and abuse TRUDY LITTLE, and/or to satisfy and gratify their own sick sexual desires.

596. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff TRUDY LITTLE to suffer severe emotional distress.

597. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff TRUDY LITTLE endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

598. That by reason of the foregoing, the Plaintiff TRUDY LITTLE has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-SEVENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF TRUDY LITTLE BASED UPON A THEORY OF  
BATTERY AGAINST ALL DEFENDANTS**

599. That the Plaintiff TRUDY LITTLE repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “FIVE HUNDRED AND NINETY-EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

600. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff TRUDY

LITTLE, all of which were done intentionally by the defendants and without plaintiff TRUDY LITTLE's consent.

601. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff's consent.

602. Such acts were done for the purposes of degrading and abusing TRUDY LITTLE, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

603. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff TRUDY LITTLE was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

604. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff TRUDY LITTLE was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

605. That by reason of the foregoing, plaintiff TRUDY LITTLE is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

606. That by reason of the foregoing, the Plaintiff TRUDY LITTLE has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-EIGHTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
TRUDY LITTLE BASED UPON A THEORY OF  
ASSAULT AGAINST ALL DEFENDANTS**

607. That the Plaintiff TRUDY LITTLE repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND SIXTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

608. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable apprehension in plaintiff TRUDY LITTLE of immediate harmful and offensive contacts including but not limited to sexual contacts to TRUDY LITTLE’s person, all of which were done intentionally by the defendants and without plaintiff TRUDY LITTLE’s consent.

609. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without TRUDY LITTLE’s consent.

610. Such acts were done for the purposes of degrading and abusing TRUDY LITTLE, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

611. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff TRUDY LITTLE was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other

economic damages and loss, and will continue to experience and incur these damages and losses in the future.

612. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff TRUDY LITTLE was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

613. That by reason of the foregoing, plaintiff TRUDY LITTLE is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

614. That by reason of the foregoing, the Plaintiff TRUDY LITTLE has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FORTY-NINTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ELIZABETH UNDERWOOD BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

615. That the Plaintiff ELIZABETH UNDERWOOD repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND FOURTEENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

616. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

617. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.52, 130.55, 130.75 and 130.96.

618. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

619. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

620. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ELIZABETH UNDERWOOD endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

621. That by reason of the foregoing, the Plaintiff ELIZABETH UNDERWOOD has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTIETH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ELIZABETH UNDERWOOD BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

622. That the Plaintiff ELIZABETH UNDERWOOD repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND TWENTY-FIRST” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

623. While ELIZABETH UNDERWOOD was in the custody of defendants and/or each of them from approximately 1961 through 1971, defendants stood in the place of ELIZABETH UNDERWOOD’S parents (in loco parentis), and as such were responsible for her care, well-being, and safety amongst other things, and had a duty to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

624. From approximately 1961 through 1971 defendants had a duty to care for the welfare and well-being of ELIZABETH UNDERWOOD as if they were her parents, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

625. Defendants breached their duty of care with respect to ELIZABETH UNDERWOOD.

626. Defendants breached their duty to care for ELIZABETH UNDERWOOD, failed to properly carry out their duty to stand in the place of her parents, and were negligent, careless and reckless in failing to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

627. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but

not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

628. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ELIZABETH UNDERWOOD endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

629. That by reason of the foregoing, the Plaintiff ELIZABETH UNDERWOOD has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
ELIZABETH UNDERWOOD BASED UPON A THEORY OF NEGLIGENT  
SUPERVISION AS AGAINST ALL DEFENDANTS**

630. That the Plaintiff ELIZABETH UNDERWOOD repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND TWENTY-NINTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

631. While ELIZABETH UNDERWOOD was in the care, custody and control of defendants and/or each of them from approximately 1961 through 1971, defendants had a duty to supervise ELIZABETH UNDERWOOD, and to protect her from harm, abuse, assault and other



harms, including but not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for her care, well-being, and safety amongst other things.

632. Defendants breached their duty to properly supervise ELIZABETH UNDERWOOD, failed to properly carry out their duty to supervise her in her activities, and were negligent, careless and reckless in failing to properly supervise her and in failing to adequately protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

633. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ELIZABETH UNDERWOOD endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

634. That by reason of the foregoing, the Plaintiff ELIZABETH UNDERWOOD has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
ELIZABETH UNDERWOOD BASED UPON A THEORY OF NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

635. That the Plaintiff ELIZABETH UNDERWOOD repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through

“SIX HUNDRED AND THIRTY-FORTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

636. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

637. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

638. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

639. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

640. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

641. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

642. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the nuns, teachers and residential staff at Mount Loretto, in a reasonably prudent fashion.

643. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

644. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

645. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well as physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff ELIZABETH UNDERWOOD.

646. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually

abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff ELIZABETH UNDERWOOD.

647. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ELIZABETH UNDERWOOD endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

648. That by reason of the foregoing, the Plaintiff ELIZABETH UNDERWOOD has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-THIRD CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
ELIZABETH UNDERWOOD BASED UPON A THEORY OF NEGLIGENT  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

649. That the Plaintiff ELIZABETH UNDERWOOD repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND FORTY-EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

650. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff ELIZABETH UNDERWOOD suffering severe emotional distress.

651. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff ELIZABETH UNDERWOOD suffering severe emotional distress.

652. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff ELIZABETH UNDERWOOD to suffer severe emotional distress.

653. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff ELIZABETH UNDERWOOD suffering severe emotional distress.

654. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ELIZABETH UNDERWOOD endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

655. That by reason of the foregoing, the Plaintiff ELIZABETH UNDERWOOD has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-FOURTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ELIZABETH UNDERWOOD BASED UPON A THEORY OF  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL  
DEFENDANTS**

656. That the Plaintiff ELIZABETH UNDERWOOD repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND FIFTY-FIFTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

657. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to ELIZABETH UNDERWOOD, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff ELIZABETH UNDERWOOD to suffer severe emotional distress.

658. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to ELIZABETH UNDERWOOD, with the intent to degrade and abuse ELIZABETH UNDERWOOD, and/or to satisfy and gratify their own sick sexual desires.

659. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff ELIZABETH UNDERWOOD to suffer severe emotional distress.

660. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ELIZABETH UNDERWOOD endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of

life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

661. That by reason of the foregoing, the Plaintiff ELIZABETH UNDERWOOD has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-FIFTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF ELIZABETH UNDERWOOD BASED UPON A THEORY OF BATTERY  
AGAINST ALL DEFENDANTS**

662. That the Plaintiff ELIZABETH UNDERWOOD repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND SIXTY-FIRST” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

663. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff ELIZABETH UNDERWOOD, all of which were done intentionally by the defendants and without plaintiff ELIZABETH UNDERWOOD’S consent.

664. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff’s consent.

665. Such acts were done for the purposes of degrading and abusing ELIZABETH UNDERWOOD, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

666. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff ELIZABETH UNDERWOOD was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering,

emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

667. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ELIZABETH UNDERWOOD was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

668. That by reason of the foregoing, plaintiff ELIZABETH UNDERWOOD is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

669. That by reason of the foregoing, the Plaintiff ELIZABETH UNDERWOOD has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-SIXTH CAUSE OF ACTION ON  
BEHALF OF PLAINTIFF ELIZABETH UNDERWOOD BASED UPON A  
THEORY OF ASSAULT AGAINST ALL DEFENDANTS**

670. That the Plaintiff ELIZABETH UNDERWOOD repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND SIXTY-NINTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

671. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable



apprehension in plaintiff ELIZABETH UNDERWOOD of immediate harmful and offensive contacts including but not limited to sexual contacts to ELIZABETH UNDERWOOD'S person, all of which were done intentionally by the defendants and without plaintiff ELIZABETH UNDERWOOD'S consent.

672. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without ELIZABETH UNDERWOOD'S consent.

673. Such acts were done for the purposes of degrading and abusing ELIZABETH UNDERWOOD, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

674. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff ELIZABETH UNDERWOOD was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

675. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff ELIZABETH UNDERWOOD was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

676. That by reason of the foregoing, plaintiff ELIZABETH UNDERWOOD is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

677. That by reason of the foregoing, the Plaintiff ELIZABETH UNDERWOOD has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-SEVENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF JOHN LUCIANO BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

678. That the Plaintiff JOHN LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND SEVENTY-SEVENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

679. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

680. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, caused, allowed and/or permitted actions which constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

681. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.52, 130.55, 130.60, 130.65, 130.67, 130.75, 130.80 and 130.96.

682. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, caused, allowed and/or permitted actions which constituted violations of Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.52, 130.55, 130.60, 130.65, 130.67, 130.75, 130.80 and 130.96

683. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

684. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

685. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff JOHN LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

686. That by reason of the foregoing, the Plaintiff JOHN LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-EIGHTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF JOHN LUCIANO BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

687. That the Plaintiff JOHN LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SIX HUNDRED AND EIGHTY-SIXTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

688. While JOHN LUCIANO was in the custody of defendants and/or each of them from approximately 1948 through 1956, defendants stood in the place of JOHN LUCIANO’S parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and had a duty to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

689. From approximately 1948 through 1956 defendants had a duty to care for the welfare and well-being of JOHN LUCIANO as if they were his parents, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

690. Defendants breached their duty of care with respect to JOHN LUCIANO.

691. Defendants breached their duty to care for JOHN LUCIANO, failed to properly carry out their duty to stand in the place of his parents, and were negligent, careless and reckless in failing to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

692. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but

not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

693. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff JOHN LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

694. That by reason of the foregoing, the Plaintiff JOHN LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTY-NINTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
JOHN LUCIANO BASED UPON A THEORY OF NEGLIGENT  
SUPERVISION AS AGAINST ALL DEFENDANTS**

695. That the Plaintiff JOHN LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "SIX HUNDRED AND NINETY-FOURTH" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

696. While JOHN LUCIANO was in the care, custody and control of defendants and/or each of them from approximately 1948 through 1956, defendants had a duty to supervise JOHN LUCIANO, and to protect him from harm, abuse, assault and other harms, including but

not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for his care, well-being, and safety amongst other things.

697. Defendants breached their duty to properly supervise JOHN LUCIANO, failed to properly carry out their duty to supervise him in his activities, and were negligent, careless and reckless in failing to properly supervise him and in failing to adequately protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

698. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff JOHN LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

699. That by reason of the foregoing, the Plaintiff JOHN LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTIETH CAUSE OF ACTION ON BEHALF OF PLAINTIFF JOHN  
LUCIANO BASED UPON A THEORY OF NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

700. That the Plaintiff JOHN LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "SIX

HUNDRED AND NINETY-NINTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

701. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

702. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

703. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

704. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

705. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

706. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

707. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the priests, nuns, teachers and staff at Mount Loretto, in a reasonably prudent fashion.

708. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

709. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

710. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff JOHN LUCIANO.

711. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually



abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff JOHN LUCIANO.

712. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff JOHN LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

713. That by reason of the foregoing, the Plaintiff JOHN LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
JOHN LUCIANO BASED UPON A THEORY OF NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

714. That the Plaintiff JOHN LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SEVEN HUNDRED AND THIRTEENTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

715. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff JOHN LUCIANO suffering severe emotional distress.

716. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff JOHN LUCIANO suffering severe emotional distress.

717. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff JOHN LUCIANO to suffer severe emotional distress.

718. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff JOHN LUCIANO, and knew or should have known that their actions and omissions would and in fact did cause plaintiff JOHN LUCIANO to suffer severe emotional distress.

719. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff JOHN LUCIANO suffering severe emotional distress.

720. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff JOHN LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

721. That by reason of the foregoing, the Plaintiff JOHN LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-SECOND CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF JOHN LUCIANO BASED UPON A THEORY OF INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

722. That the Plaintiff JOHN LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SEVEN HUNDRED AND TWENTY-FIRST” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

723. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to JOHN LUCIANO, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff JOHN LUCIANO to suffer severe emotional distress.

724. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to JOHN LUCIANO, with the intent to degrade and abuse JOHN LUCIANO, and/or to satisfy and gratify their own sick sexual desires.

725. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff JOHN LUCIANO to suffer severe emotional distress.

726. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff JOHN LUCIANO, and knew or

should have known that their actions and omissions would and in fact did cause plaintiff JOHN LUCIANO to suffer severe emotional distress.

727. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff JOHN LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

728. That by reason of the foregoing, the Plaintiff JOHN LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-THIRD CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF JOHN LUCIANO BASED UPON A THEORY OF BATTERY  
AGAINST ALL DEFENDANTS**

729. That the Plaintiff JOHN LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SEVEN HUNDRED AND TWENTY-EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

730. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff JOHN LUCIANO, all of which were done intentionally by the defendants and without plaintiff JOHN LUCIANO’S consent.

731. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff's consent.

732. Such acts were done for the purposes of degrading and abusing JOHN LUCIANO, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

733. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff JOHN LUCIANO was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

734. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff JOHN LUCIANO was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

735. That by reason of the foregoing, plaintiff JOHN LUCIANO is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

736. That by reason of the foregoing, the Plaintiff JOHN LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-FOURTH CAUSE OF ACTION ON  
BEHALF OF PLAINTIFF JOHN LUCIANO BASED UPON A  
THEORY OF ASSAULT AGAINST ALL DEFENDANTS**

737. That the Plaintiff JOHN LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SEVEN HUNDRED AND THIRTY-SIXTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

738. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable apprehension in plaintiff JOHN LUCIANO of immediate harmful and offensive contacts including but not limited to sexual contacts to JOHN LUCIANO’S person, all of which were done intentionally by the defendants and without plaintiff JOHN LUCIANO’S consent.

739. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without JOHN LUCIANO’s consent.

740. Such acts were done for the purposes of degrading and abusing JOHN LUCIANO, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

741. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff JOHN LUCIANO was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

742. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff JOHN LUCIANO was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

743. That by reason of the foregoing, plaintiff JOHN LUCIANO is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

744. That by reason of the foregoing, the Plaintiff JOHN LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-FIFTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF WILLIAM LUCIANO BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

745. That the Plaintiff WILLIAM LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SEVEN HUNDRED AND FORTY-FORTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

746. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

747. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of

New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.40, 130.52, 130.55, 130.60, 130.65, 130.67, 130.75, 130.80 and 130.96.

748. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

749. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

750. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff WILLIAM LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

751. That by reason of the foregoing, the Plaintiff WILLIAM LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-SIXTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF WILLIAM LUCIANO BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

752. That the Plaintiff WILLIAM LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "SEVEN



HUNDRED AND FIFTY-FIRST” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

753. While WILLIAM LUCIANO was in the custody of defendants and/or each of them from approximately 1948 through 1962, defendants stood in the place of WILLIAM LUCIANO’S parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and had a duty to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

754. From approximately 1948 through 1962 defendants had a duty to care for the welfare and well-being of WILLIAM LUCIANO as if they were his parents, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

755. Defendants breached their duty of care with respect to WILLIAM LUCIANO.

756. Defendants breached their duty to care for WILLIAM LUCIANO, failed to properly carry out their duty to stand in the place of his parents, and were negligent, careless and reckless in failing to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

757. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

758. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff WILLIAM LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and

sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

759. That by reason of the foregoing, the Plaintiff WILLIAM LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-SEVENTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
WILLIAM LUCIANO BASED UPON A THEORY OF NEGLIGENT  
SUPERVISION AS AGAINST ALL DEFENDANTS**

760. That the Plaintiff WILLIAM LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SEVEN HUNDRED AND FIFTY-NINTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

761. While WILLIAM LUCIANO was in the care, custody and control of defendants and/or each of them from approximately 1948 through 1962, defendants had a duty to supervise WILLIAM LUCIANO, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for his care, well-being, and safety amongst other things.

762. Defendants breached their duty to properly supervise WILLIAM LUCIANO, failed to properly carry out their duty to supervise him in his activities, and were negligent, careless and reckless in failing to properly supervise him and in failing to adequately protect him

from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

763. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff WILLIAM LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

764. That by reason of the foregoing, the Plaintiff WILLIAM LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-EIGHTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
WILLIAM LUCIANO BASED UPON A THEORY OF NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

765. That the Plaintiff WILLIAM LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SEVEN HUNDRED AND SIXTY-FORTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

766. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

767. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.

768. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

769. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

770. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

771. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

772. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the priests, nuns, teachers and staff at Mount Loretto, in a reasonably prudent fashion.

773. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

774. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

775. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff WILLIAM LUCIANO.

776. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff WILLIAM LUCIANO.

777. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff WILLIAM LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering,

emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

778. That by reason of the foregoing, the Plaintiff WILLIAM LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SIXTY-NINTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
WILLIAM LUCIANO BASED UPON A THEORY OF NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

779. That the Plaintiff WILLIAM LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “SEVEN HUNDRED AND SEVENTY-EIGHTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

780. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff WILLIAM LUCIANO suffering severe emotional distress.

781. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff WILLIAM LUCIANO suffering severe emotional distress.

782. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff WILLIAM LUCIANO to suffer severe emotional distress.

783. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff WILLIAM LUCIANO, and knew or should have known that their actions and omissions would and in fact did cause plaintiff WILLIAM LUCIANO to suffer severe emotional distress.

784. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff WILLIAM LUCIANO suffering severe emotional distress.

785. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff WILLIAM LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

786. That by reason of the foregoing, the Plaintiff WILLIAM LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTIETH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF WILLIAM LUCIANO BASED UPON A THEORY OF INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

787. That the Plaintiff WILLIAM LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "SEVEN

HUNDRED AND EIGHTY-SIXTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

788. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to WILLIAM LUCIANO, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff WILLIAM LUCIANO to suffer severe emotional distress.

789. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to WILLIAM LUCIANO, with the intent to degrade and abuse WILLIAM LUCIANO, and/or to satisfy and gratify their own sick sexual desires.

790. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff WILLIAM LUCIANO to suffer severe emotional distress.

791. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, acted with reckless disregard for the well-being of plaintiff WILLIAM LUCIANO, and knew or should have known that their actions and omissions would and in fact did cause plaintiff WILLIAM LUCIANO to suffer severe emotional distress.

792. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff WILLIAM LUCIANO endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has



incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

793. That by reason of the foregoing, the Plaintiff WILLIAM LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-FIRST CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF WILLIAM LUCIANO BASED UPON A THEORY OF BATTERY  
AGAINST ALL DEFENDANTS**

794. That the Plaintiff WILLIAM LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "SEVEN HUNDRED AND NINETY-THIRD" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

795. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff WILLIAM LUCIANO, all of which were done intentionally by the defendants and without plaintiff WILLIAM LUCIANO'S consent.

796. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff's consent.

797. Such acts were done for the purposes of degrading and abusing WILLIAM LUCIANO, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

798. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff WILLIAM LUCIANO was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional

suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

799. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff WILLIAM LUCIANO was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

800. That by reason of the foregoing, plaintiff WILLIAM LUCIANO is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

801. That by reason of the foregoing, the Plaintiff WILLIAM LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-SECOND CAUSE OF ACTION ON  
BEHALF OF PLAINTIFF WILLIAM LUCIANO BASED UPON A  
THEORY OF ASSAULT AGAINST ALL DEFENDANTS**

802. That the Plaintiff WILLIAM LUCIANO repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “EIGHT HUNDRED AND FIRST” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

803. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable

apprehension in plaintiff WILLIAM LUCIANO of immediate harmful and offensive contacts including but not limited to sexual contacts to WILLIAM LUCIANO'S person, all of which were done intentionally by the defendants and without plaintiff WILLIAM LUCIANO'S consent.

804. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without WILLIAM LUCIANO's consent.

805. Such acts were done for the purposes of degrading and abusing WILLIAM LUCIANO, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

806. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff WILLIAM LUCIANO was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

807. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff WILLIAM LUCIANO was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

808. That by reason of the foregoing, plaintiff WILLIAM LUCIANO is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

809. That by reason of the foregoing, the Plaintiff WILLIAM LUCIANO has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-THIRD CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MELISSA FURNARI BASED UPON A THEORY OF  
STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

810. That the Plaintiff MELISSA FURNARI repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “EIGHT HUNDRED AND NINTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

811. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

812. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 130 of the Penal Law of the State of New York, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.52, 130.55, and 130.96.

813. The conduct of defendants, and/or each of them, and/or their agents, servants, employees and/or staff, constituted violations of Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

814. That the subject sexual offenses were committed forcibly by the defendants and/or their agents, servants, staff, and/or employees against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

815. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MELISSA FURNARI endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

816. That by reason of the foregoing, the Plaintiff MELISSA FURNARI has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-FORTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MELISSA FURNARI BASED UPON A THEORY OF  
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

817. That the Plaintiff MELISSA FURNARI repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "EIGHT HUNDRED AND SIXTEENTH" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

818. While MELISSA FURNARI was in the custody of defendants and/or each of them from approximately 1947 through 1959, defendants stood in the place of MELISSA FURNARI'S parents (in loco parentis), and as such were responsible for her care, well-being,

and safety amongst other things, and had a duty to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

819. From approximately 1947 through 1959 defendants had a duty to care for the welfare and well-being of MELISSA FURNARI as if they were her parents, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse, as well as physical and emotional abuse.

820. Defendants breached their duty of care with respect to MELISSA FURNARI.

821. Defendants breached their duty to care for MELISSA FURNARI, failed to properly carry out their duty to stand in the place of her parents, and were negligent, careless and reckless in failing to protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults, as well as physical and emotional abuse.

822. Defendants had both actual and constructive notice of the sexual abuse, physical abuse, and emotional abuse of children which was taking place at Mount Loretto, including but not limited to the abuse of the plaintiffs herein, as well as the culture of abuse which had been allowed to develop, and failed to institute appropriate measures to stop the abuse.

823. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MELISSA FURNARI endured sexual abuse, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

824. That by reason of the foregoing, the Plaintiff MELISSA FURNARI has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-FIFTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
MELISSA FURNARI BASED UPON A THEORY OF NEGLIGENT  
SUPERVISION AS AGAINST ALL DEFENDANTS**

825. That the Plaintiff MELISSA FURNARI repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “EIGHT HUNDRED AND TWENTY-FORTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

826. While MELISSA FURNARI was in the care, custody and control of defendants and/or each of them from approximately 1947 through 1959, defendants had a duty to supervise MELISSA FURNARI, and to protect her from harm, abuse, assault and other harms, including but not limited to sexual assaults, as well as physical and emotional abuse, and were responsible for her care, well-being, and safety amongst other things.

827. Defendants breached their duty to properly supervise MELISSA FURNARI, failed to properly carry out their duty to supervise her in her activities, and were negligent, careless and reckless in failing to properly supervise her and in failing to adequately protect her from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault, as well as physical and emotional abuse.

828. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MELISSA FURNARI endured sexual abuse, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and

significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

829. That by reason of the foregoing, the Plaintiff MELISSA FURNARI has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-SIXTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF  
MELISSA FURNARI BASED UPON A THEORY OF NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS AGAINST ALL DEFENDANTS**

830. That the Plaintiff MELISSA FURNARI repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “EIGHT HUNDRED AND TWENTY-NINTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

831. Defendants and/or each of them had a duty to conduct appropriate and proper hiring and retention practices to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to minors who had been entrusted to their care, custody and control.

832. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, in a reasonably prudent fashion, to prevent those they hired and retained from becoming a risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those minors who had been entrusted to their care, custody and control including the plaintiff herein.



833. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent their staff from inflicting harm upon the children who had been entrusted to them including the plaintiff herein.

834. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

835. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse, as well as physical and emotional abuse, to those who had been entrusted to their care, custody and control including the plaintiff herein.

836. Defendants and/or each of them had a duty to adequately supervise their staff so as to ensure that they did not sexually abuse, and/or physically and emotionally abuse, those who had been entrusted to their care, custody and control including the plaintiff herein.

837. Defendants breached their duty to conduct their hiring and retention practices in a reasonably prudent fashion, and to adequately and properly supervise their staff, including but not limited to the nuns, teachers and residential staff at Mount Loretto, in a reasonably prudent fashion.

838. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring and retention of staff, including but not limited to the nuns, priests, staff, and employees, and hired and retained nuns, priests, staff, and employees who not only permitted a culture of abuse, but in fact created a culture of abuse at Mount Loretto, and had a history of abusing those whom they were supposed to care for.

839. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, and caused, allowed and permitted their staff to create a culture of abuse, and to permit that culture of abuse to exist and persist for decades at Mount Loretto.

840. Defendants were negligent, careless and reckless in the manner in which they supervised their staff, including but not limited to the nuns, priests, staff, and employees, in that they failed to prevent them from sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff MELISSA FURNARI.

841. Defendants were negligent, careless and reckless in their failure to properly supervise their agents, servants, employees and staff so as to ensure that they were not sexually abusing, as well a physically and emotionally abusing, the children who were residents at Mount Loretto including but not limited to Plaintiff MELISSA FURNARI.

842. That as a result of this negligent hiring, retention and supervision by defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MELISSA FURNARI endured sexual abuse, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

843. That by reason of the foregoing, the Plaintiff MELISSA FURNARI has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-SEVENTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MELISSA FURNARI BASED UPON A THEORY OF NEGLIGENT  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

844. That the Plaintiff MELISSA FURNARI repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “EIGHT HUNDRED AND FORTY-THIRD” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

845. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff MELISSA FURNARI suffering severe emotional distress.

846. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff MELISSA FURNARI suffering severe emotional distress.

847. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, knew or should have known that the failure to properly act would and in fact did cause plaintiff MELISSA FURNARI to suffer severe emotional distress.

848. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful

and egregious conduct described hereinabove, thus resulting in plaintiff MELISSA FURNARI suffering severe emotional distress.

849. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MELISSA FURNARI endured sexual abuse, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

850. That by reason of the foregoing, the Plaintiff MELISSA FURNARI has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-EIGHTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MELISSA FURNARI BASED UPON A THEORY OF INTENTIONAL  
INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

851. That the Plaintiff MELISSA FURNARI repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “EIGHT HUNDRED AND FIFTIETH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

852. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to MELISSA FURNARI, with the intent to cause, and/or with reckless disregard of the probability of causing plaintiff MELISSA FURNARI to suffer severe emotional distress.

853. Defendants and/or each of them, and/or their agents, servants, employees and/or staff, engaged in willful, contumacious, and outrageous conduct with respect to MELISSA FURNARI, with the intent to degrade and abuse MELISSA FURNARI, and/or to satisfy and gratify their own sick sexual desires.

854. Defendants and/or each of them, and/or their agents, servants, employees and/or staff committed these horrific acts with malicious, abusive and oppressive intent, and with the likelihood of causing plaintiff MELISSA FURNARI to suffer severe emotional distress.

855. That as a result of the intentional infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MELISSA FURNARI endured sexual abuse and molestation, as well as physical and emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

856. That by reason of the foregoing, the Plaintiff MELISSA FURNARI has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SEVENTY-NINTH CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF MELISSA FURNARI BASED UPON A THEORY OF BATTERY  
AGAINST ALL DEFENDANTS**

857. That the Plaintiff MELISSA FURNARI repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "EIGHT

HUNDRED AND FIFTY-SIXTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

858. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff amounted to harmful and offensive contacts to plaintiff MELISSA FURNARI, all of which were done intentionally by the defendants and without plaintiff MELISSA FURNARI’S consent.

859. Such acts were of a sexual and sexually abusive nature, as well as a physically and emotionally abusive nature, and were done without plaintiff’s consent.

860. Such acts were done for the purposes of degrading and abusing MELISSA FURNARI, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

861. As a direct and proximate result of the battery and/or sexual battery by the defendants, plaintiff MELISSA FURNARI was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

862. That as a result of the battery and/or sexual battery of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MELISSA FURNARI was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

863. That by reason of the foregoing, plaintiff MELISSA FURNARI is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

864. That by reason of the foregoing, the Plaintiff MELISSA FURNARI has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A EIGHTIETH CAUSE OF ACTION ON  
BEHALF OF PLAINTIFF MELISSA FURNARI BASED UPON A  
THEORY OF ASSAULT AGAINST ALL DEFENDANTS**

865. That the Plaintiff MELISSA FURNARI repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs “FIRST” through “EIGHT HUNDRED AND SIXTY-FOURTH” inclusive with the same force and effect as though said allegations were herein fully set forth at length.

866. The horrific acts of the defendants and/or each of them, and/or their agents, servants, employees and/or staff were intended to create and did in fact create a reasonable apprehension in plaintiff MELISSA FURNARI of immediate harmful and offensive contacts including but not limited to sexual contacts to MELISSA FURNARI’S person, all of which were done intentionally by the defendants and without plaintiff MELISSA FURNARI’S consent.

867. Such acts were both of a sexually abusive nature and a physically abusive nature, and were done intentionally by the defendants without MELISSA FURNARI’S consent.

868. Such acts were done for the purposes of degrading and abusing MELISSA FURNARI, and/or to gratify the sick sexual desires of the defendants and/or each of them, and/or their agents, servants, employees and/or staff.

869. As a direct and proximate result of the assault and/or sexual assault by the defendants, plaintiff MELISSA FURNARI was caused to suffer serious and severe personal injuries, emotional distress, conscious pain and suffering, psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

870. That as a result of the assault and/or sexual assault of defendants, and/or each of them, and/or their agents, servants, employees and/or staff as aforesaid, the Plaintiff MELISSA FURNARI was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

871. That by reason of the foregoing, plaintiff MELISSA FURNARI is entitled to compensatory damages from the defendants, and is further entitled to punitive and exemplary damages.

872. That by reason of the foregoing, the Plaintiff MELISSA FURNARI has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**STATEMENT REGARDING INTENT TO SEEK PUNITIVE DAMAGES**

While not seeking punitive damages as a separate cause of action, Plaintiffs put Defendants on notice that Defendants' acts and omissions and statutory violations were wonton and reckless and evidence of disregard of the rights and safety of the general public and of each



of the Plaintiffs. Punitive damages will be requested to punish Defendants and deter others from similar conduct.

**WHEREFORE**, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the First Cause of Action.

**WHEREFORE**, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Second Cause of Action.

**WHEREFORE**, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Third Cause of Action.

**WHEREFORE**, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fourth Cause of Action.

**WHEREFORE**, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifth Cause of Action.

**WHEREFORE**, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixth Cause of Action.

**WHEREFORE**, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventh Cause of Action.

**WHEREFORE**, MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Eighth Cause of Action.

**WHEREFORE**, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Ninth Cause of Action.

**WHEREFORE**, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Tenth Cause of Action.

**WHEREFORE**, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Eleventh Cause of Action.

**WHEREFORE**, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twelfth Cause of Action.

**WHEREFORE**, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirteenth Cause of Action.

**WHEREFORE**, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fourteenth Cause of Action.

**WHEREFORE**, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), demands a monetary judgment in the form of damages against the

Defendants and/or each of them, on the Fifteenth Cause of Action.

**WHEREFORE**, CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixteenth Cause of Action.

**WHEREFORE**, NICHOLAS AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventeenth Cause of Action.

**WHEREFORE**, NICHOLAS AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Eighteenth Cause of Action.

**WHEREFORE**, NICHOLAS AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Nineteenth Cause of Action.

**WHEREFORE**, NICHOLAS AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twentieth Cause of Action.

**WHEREFORE**, NICHOLAS AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twenty-First Cause of Action.

**WHEREFORE**, NICHOLAS AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twenty-Second Cause of Action.

**WHEREFORE**, NICHOLAS AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twenty-Third Cause of Action.

**WHEREFORE**, NICHOLAS AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twenty-Fourth Cause of Action.

**WHEREFORE**, ANTHONY AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twenty-Fifth Cause of Action.

**WHEREFORE**, ANTHONY AURELIA, demands a monetary judgment in the form of

damages against the Defendants and/or each of them, on the Twenty-Sixth Cause of Action.

**WHEREFORE**, ANTHONY AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twenty-Seventh Cause of Action.

**WHEREFORE**, ANTHONY AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twenty-Eighth Cause of Action.

**WHEREFORE**, ANTHONY AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Twenty-Ninth Cause of Action.

**WHEREFORE**, ANTHONY AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirtieth Cause of Action.

**WHEREFORE**, ANTHONY AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-First Cause of Action.

**WHEREFORE**, ANTHONY AURELIA, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-Second Cause of Action.

**WHEREFORE**, KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-Third Cause of Action.

**WHEREFORE**, KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-Fourth Cause of Action.

**WHEREFORE**, KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-Fifth Cause of Action.

**WHEREFORE**, KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN

MAYO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-Sixth Cause of Action.

**WHEREFORE**, KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-Seventh Cause of Action.

**WHEREFORE**, KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-Eighth Cause of Action.

**WHEREFORE**, KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Thirty-Ninth Cause of Action.

**WHEREFORE**, KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fortieth Cause of Action.

**WHEREFORE**, TRUDY LITTLE, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Forty-First Cause of Action.

**WHEREFORE**, TRUDY LITTLE, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Forty-Second Cause of Action.

**WHEREFORE**, TRUDY LITTLE, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Forty-Third Cause of Action.

**WHEREFORE**, TRUDY LITTLE, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Forty-Fourth Cause of Action.

**WHEREFORE**, TRUDY LITTLE, demands a monetary judgment in the form of

damages against the Defendants and/or each of them, on the Forty-Fifth Cause of Action.

**WHEREFORE**, TRUDY LITTLE, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Forty-Sixth Cause of Action.

**WHEREFORE**, TRUDY LITTLE, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Forty-Seventh Cause of Action.

**WHEREFORE**, TRUDY LITTLE, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Forty-Eighth Cause of Action.

**WHEREFORE**, ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Forty-Ninth Cause of Action.

**WHEREFORE**, ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fiftieth Cause of Action.

**WHEREFORE**, ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-First Cause of Action.

**WHEREFORE**, ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-Second Cause of Action.

**WHEREFORE**, ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-Third Cause of Action.

**WHEREFORE**, ELIZABETH UNDERWOOD (FORMERLY KNOWN AS

ELIZABETH ROSADO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-Fourth Cause of Action.

**WHEREFORE**, ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-Fifth Cause of Action.

**WHEREFORE**, ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-Sixth Cause of Action, together with the costs and disbursements of this action.

**WHEREFORE**, JOHN LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-Seventh Cause of Action.

**WHEREFORE**, JOHN LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-Eighth Cause of Action.

**WHEREFORE**, JOHN LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifty-Ninth Cause of Action.

**WHEREFORE**, JOHN LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixtieth Cause of Action.

**WHEREFORE**, JOHN LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-First Cause of Action.

**WHEREFORE**, JOHN LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-Second Cause of Action.

**WHEREFORE**, JOHN LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-Third Cause of Action.

**WHEREFORE**, JOHN LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-Fourth Cause of Action, together with the costs and disbursements of this action.

**WHEREFORE**, WILLIAM LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-Fifth Cause of Action.

**WHEREFORE**, WILLIAM LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-Sixth Cause of Action.

**WHEREFORE**, WILLIAM LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-Seventh Cause of Action.

**WHEREFORE**, WILLIAM LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-Eighth Cause of Action.

**WHEREFORE**, WILLIAM LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Sixty-Ninth Cause of Action.

**WHEREFORE**, WILLIAM LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventieth Cause of Action.

**WHEREFORE**, WILLIAM LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-First Cause of Action.

**WHEREFORE**, WILLIAM LUCIANO, demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-Second Cause of Action.

**WHEREFORE**, MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-Third Cause of Action.

**WHEREFORE**, MELISSA FURNARI (FORMERLY KNOWN AS MILDRED



O'BRIEN), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-Fourth Cause of Action.

**WHEREFORE**, MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-Fifth Cause of Action.

**WHEREFORE**, MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-Sixth Cause of Action.

**WHEREFORE**, MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-Seventh Cause of Action.

**WHEREFORE**, MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-Eighth Cause of Action.

**WHEREFORE**, MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Seventy-Ninth Cause of Action.

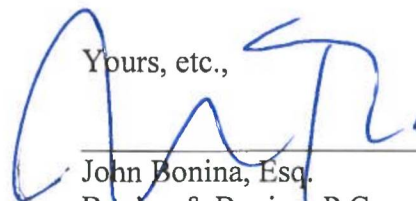
**WHEREFORE**, MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN), demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Eightieth Cause of Action, together with the costs and disbursements of this action.

**PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES.**

Dated: Brooklyn, New York  
October 24, 2019

"I have read the foregoing and I certify that, upon information and belief, the source of which is the review of a file maintained by my office, that the foregoing Summons and Verified Complaint is not frivolous as defined in Subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator."

Yours, etc.,



John Bonina, Esq.  
Bonina & Bonina, P.C.  
Attorneys for Plaintiffs  
16 Court Street – Suite 1800  
Brooklyn, New York 11241  
Phone No.: (718) 522-1786

STATE OF NEW YORK, COUNTY OF KINGS

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and



certify that the annexed

has been compared by me with the original and found to be a true and complete copy thereof.

Attorney's  
Certification**JOHN BONINA, ESQ.** say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the plaintiff.I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based on the following. By a review of a file maintained in my office.

The reason I make this affirmation instead of Plaintiff(s) is Plaintiff(s) reside(s) in a County other than the one in which I maintain my office.

I affirm that the foregoing statements are true under penalties of perjury.

Dated: **October 24, 2019**  
John Bonina, Esq.

STATE OF NEW YORK, COUNTY OF KINGS

ss:



being sworn says: I am the plaintiff in the action herein; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Individual  
Verification

the \_\_\_\_\_ of

a corporation, one of the parties to the action; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Corporate  
Verification

My belief, as to those matters therein not stated upon knowledge, is based on the following:

Sworn to before me on \_\_\_\_\_

STATE OF NEW YORK, COUNTY OF **KINGS**

ss:

being sworn says: I am not a party to the action, am over the age of 18 years of age and reside in

On \_\_\_\_\_, I served a true copy of the annexed in the following manner:



by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Service By  
Mail

by E-filing the same with the Supreme Court – Kings to the addressee(s) as indicated below:

Service By  
E-filing

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as I indicated below:

Service By  
Electronic  
Means

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Service By  
Overnight  
Delivery

Sworn to before me on \_\_\_\_\_

**Index No.:**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

MARY BRIENZA (FORMERLY KNOWN AS MARY USBECK); CHRISTOPHER BRIGHTWELL (FORMERLY KNOWN AS CHRISTOPHER AURELIA); NICHOLAS AURELIA; ANTHONY AURELIA; KATHLEEN DOUGHERTY (FORMERLY KNOWN AS KATHLEEN MAYO); TRUDY LITTLE; ELIZABETH UNDERWOOD (FORMERLY KNOWN AS ELIZABETH ROSADO); JOHN LUCIANO; WILLIAM LUCIANO; AND MELISSA FURNARI (FORMERLY KNOWN AS MILDRED O'BRIEN),

Plaintiffs,

-against-

ARCHDIOCESE OF NEW YORK, CATHOLIC CHARITIES OF STATEN ISLAND, CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK, MOUNT LORETTO CATHOLIC MISSION, THE MISSION OF THE IMMACULATE VIRGIN FOR THE PROTECTION OF HOMELESS AND DESTITUTE CHILDREN, SISTERS OF ST. FRANCIS OF THE IMMACULATE VIRGIN, SISTERS OF ST. FRANCIS OF THE NEUMANN COMMUNITIES, AND XAVERIAN BROTHERS,

Defendants.

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**SUMMONS AND VERIFIED COMPLAINT**

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**BONINA & BONINA, P.C.**

Attorneys for Plaintiff(s)  
16 Court Street, Suite 1800  
Brooklyn, NY 11241  
Tele. No.: (718) 522-1786  
Fax No.: (718) 243-0414

*Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.*

Dated: **October 24, 2019**

Signature: 

Print Signer's Name: **John Bonina, Esq.**

Service of a copy of the within

is hereby admitted.

Dated:

\_\_\_\_\_  
Attorney(s) for

**PLEASE TAKE NOTICE**



that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

Notice of  
Entry



that an Order of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court,  
at \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ M.

Notice of  
Settlement

Dated:

To:  
Attorney(s) for

**BONINA & BONINA, P.C.**

Attorneys for Plaintiff(s)  
16 COURT STREET  
BROOKLYN, N.Y. 11241